



भारत का राजपत्र The Gazette of India

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NEW DELHI, SATURDAY, AUGUST 28, 1993/BHADRA 6, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रख जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and notifications issued by the Ministries of the Government of India (other than
Ministry of the Defence)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नयी दिल्ली, 30 जुलाई, 1993

का० आ० 1801.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पुलिस स्टेशन गंगोह जिला सहारनपुर में दिनांक 14-3-1992 को भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 332, 353, 224, 225, 143, 504, 506 के अंतर्गत रजिस्टर्ड अपराध सं. 81/92 तथा भारतीय दंड संहिता, 1860 (1860 का 45) की धारा 147, 148, 307, 323, 504, 506 के अंतर्गत अपराध सं. 82-ए/92 अथवा उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संयोजित अपराधों के अनुक्रम में किए गए किन्हीं अन्य अपराधों के अन्वेषण के लिए उत्तर प्रदेश शासन के पत्रांक 1513 पी/-VI पी-3-14 (26), पी 93-लखनऊ दिनांक 26-4-93 के तहत उत्तर प्रदेश सरकार की सहपति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की

शक्तियों और अधिकारिता का विस्तारण संपूर्ण उत्तर प्रदेश राज्य पर करती है।

[स. 228/23/93-ए.वी.डी-II]]

आर. एस. विष्ट, अवसरसचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 30th July, 1993

S.O. 1801.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Uttar Pradesh accorded vide No. 1513/P/VI-P-3-14(26)/93-Lucknow dated 26-4-93 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of Crime No. 81/92 under Sections 332, 353, 224, 225, 143, 504, 506 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Crime No. 82-A/92 under Sections 147, 148, 307, 323, 504, 506 of the Indian Penal Code, 1860 (45 of 1860) registered on 14-3-1992 at Police Station Gangoh District Saharanpur or any other offences committed in the course of the same transaction arising out of the same facts.

[No. 228/23/93-AVD.II]

R. S. BISHT, Under Secy.

नई दिल्ली, 10 अगस्त, 1993

का.आ. 1802.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उत्तर प्रदेश राज्य सरकार की सहमति से, जो गृह विभाग आदेश सं. 112 जी. आई. 1/1-पीओएल-3-5(47) पी/92-लखनऊ तारीख 27-2-93 द्वारा प्रदान की गई थी, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार भारतीय दंड संहिता की धारा 147, 148, 149, 302, 307, 120ब और 109 के अधीन और आतंकवादी और विध्वंसकारी क्रिया-कलाप (निवारण) अधिनियम की धारा 3 के अधीन 13-9-92 को रजिस्ट्रीकृत पुलिस स्टेशन दादरी, जिला गाजियाबाद से संबंधित एफ.आई.आर.सं. 340, 1992 का अपराध मामला सं. 371 के अन्वेषण के लिए, भो महेन्द्रसिंह भाटी, भूतपूर्व विधान सभा सदस्य, उत्तर प्रदेश की हत्या के संबंध में या उक्त मामले से उद्भूत होने वाले उसी संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध के संबंध में है, संपूर्ण उत्तर प्रदेश राज्य पर करती है।

[संख्या 228/58/92-ए.वी.डी.-II]

आर. एस. बिष्ट, अवर सचिव

New Delhi, the 10th August, 1993

S.O. 1802.—In exercise of the powers conferred by sub-section (1) of the Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Uttar Pradesh vide Home Department Order No. 112. G. 1/VI-POL-3-5(47)P/92-Lucknow dated 27-2-1993, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Uttar Pradesh for investigation of FIR No. 340 case Crime No. 371 of 1992 relating to Police Station Dadri, Distt. Ghaziabad registered on 13-9-1992 under Sections 147, 148, 149, 302, 307, 120B and 109 Indian Penal Code and Section 3 of T.A.D.A. Act in respect of murder of Shri Mahendra Singh Bhatti, Ex. MLA, Uttar Pradesh or any other offences committed in the course of the same transaction arising out of the said case.

[No. 228/58/92-AVD.II]

R. S. BISHT, Under Secy.

नई दिल्ली, 10 अगस्त, 1993

का.आ. 1803.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए श्री अनिल कुमार ए. नाटेकर, सहायक सरकारी प्लीडर और अपर लोक अभियोजक, नागपुर को दिल्ली विशेष पुलिस स्थापन के यथा निम्नलिखित नियमित मामलों के अभियोजन का संचालन करने के प्रयोजन के लिए विशेष लोक अभियोजन के रूप में नियुक्त करती है :—

मामला संख्या

न्यायालय

1. आर.सी. 60/80—मुंबई

2. आर.सी. 22/83—मुंबई

3. आर.सी. 23/83—मुंबई
4. आर.सी. 56/83—मुंबई
5. आर.सी. 38/87—मुंबई
6. आर.सी. 49/87—मुंबई
7. आर.सी. 58/87—मुंबई
8. आर.सी. 15/91—मुंबई
9. आर.सी. 16/91—मुंबई
10. आर.सी. 65/81—मुंबई
11. आर.सी. 35/85—मुंबई
12. आर.सी. 72/89—मुंबई

विशेष न्यायाधीश,
नागपुर के न्यायालय में

13. आर.सी. 26/99—मुंबई

जिला और अपर विशेष
न्यायाधीश, नागपुर के
न्यायालय में।

14. आर.सी. 15/91—मुंबई

मुख्य न्यायिक मजिस्ट्रेट,
नागपुर के न्यायालय में।

15. आर.सी. 57/87—मुंबई

जे एम एफ सी, सीनर के
न्यायालय में।

16. आर.सी. 58/87—मुंबई

17. आर.सी. 02/89—मुंबई

18. आर.सी. 03/89—मुंबई

विशेष न्यायाधीश, अकोला
के न्यायालय में।

19. आर.सी. 01/92—मुंबई

विशेष न्यायाधीश, चंद्रपुर
के न्यायालय में।

20. आर.सी. 08/91—मुंबई

विशेष न्यायाधीश, बुलढान
के न्यायालय में।

[सं. 225/22/93-ए. वी. डी.-II]

आर. एस. बिष्ट, अवर सचिव

New Delhi, the 10th August, 1993

S.O. 1803.—In exercise of the powers conferred under sub-section (8) of section 24 of the Code of Criminal Procedure 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Anilkumar A. Natekar, Assistant Government Pleader and Additional Public Prosecutor Nagpur as Special Public Prosecutor for the purpose of conducting the Prosecution of Delhi Special Police Establishment Regular cases as under:-

Case No.

Court

1. RC.60/80 Bombay
2. RC.22/83 Bombay
3. RC.23/83 Bombay
4. RC.56/83 Bombay
5. RC.38/87 Bombay
6. R.49/87-Bombay
7. RC.58/87-Bombay
8. RC.15/91-Bombay
9. RC.16/91-Bombay
10. RC.65/81-Bombay
11. RC.35/83-Bombay
12. RC.72/89-Bombay

In the Court of Special Judge,
Nagpur.

13. RC. 26/79-Bombay	In the Court of District and Additional Special Judge, Nagpur.
14. RC. 15/91-Bombay	In the Court of Chief Judicial Magistrate, Nagpur.
15. RC. 57/87-Bombay	In the Court of JMFC, Saoner,
16. RC. 58/87-Bombay	In the Court of Special Judge,
17. RC. 02/89-Bombay	Akola.
18. RC. 03/89-Bombay	
19. RC. 01/92-Bombay	In the Court of Special Judge, Chandrapur.
20. RC. 08/91-Bombay	In the Court of Special Judge, Buldhana.

[No. 225/22/93-ADV. II]

R.S. BISHT, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

आयकर

नई दिल्ली, 9 जुलाई, 1993

का. आ. 1804.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80 जी की उपधारा (2) के खंड (बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "जरथोष्टी अंजुमन अताश बेहरम निधि, बंबई" को उक्त खंड के प्रयोजनार्थ संपूर्ण महाराष्ट्र में विख्यात सार्वजनिक पूजा स्थल के रूप में अधिसूचित करती है।

[अधिसूचना सं. 9330 फा. सं. 176/63/92-आयकर(नि-I)]

शरत चन्द्र, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(INCOME-TAX)

New Delhi, the 9th July, 1993

S.O. 1804.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Zarthoshti Anjuman Atash Beheram Fund, Bombay" to be a place of Public Worship of renown throughout the State of Maharashtra for the purpose of the said clause.

[Notification No. 9330/F. No. 176/63/92-ITA-I]

SHARAT CHANDRA, Under Secy.

आदेश

स्टाम्प

नई दिल्ली, 5 अगस्त, 1993

का. आ. 1805.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार

एतद्वारा उस स्टाम्प शुल्क को माफ करती है जो कोंकण रेलवे निगम, बम्बई द्वारा जारी किये जाने वाले मात्र चार सौ करोड़ रुपये मूल्य 10.5% कर-मुक्त सुरक्षित विमोच्य अपरिवर्तनीय बंधपत्रों के रूप में वर्णित प्रोमिसरी नोटों के स्वरूप में उक्त अधिनियम के अंतर्गत प्रभावी है।

[सं. 25/93-स्टाम्प फा. सं. 33/23/93-वि.क.]

एस.के. बिस्वास, उप-सचिव

ORDER

STAMPS

New Delhi, the 5th August, 1993

S.O. 1805.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 10.5 per cent tax-free secured Redeemable Non Convertible Bonds of the value of Rupees four hundred crores only to be issued by Konkan Railway Corporation, Bombay are chargeable under the said Act.

[No. 25/93-Stamp-F. No. 33/23/93-ST]

S. K. BISWAS, Dy. Secy.

स्टाम्प

नई दिल्ली, 12 अगस्त, 1993

का.आ. 1806.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 2 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मैसर्स विकर्स सिस्टम्स इंटरनेशनल लिमिटेड, बंबई को एक लाख बारह हजार पांच सौ रुपये मात्र का सम्बन्धित स्टाम्प शुल्क भ्रदा करने की अनुमति देती है जोकि उक्त कम्पनी द्वारा जारी किये जाने वाले मात्र एक करोड़ पचास लाख रुपये मूल्य के सौ-सौ रुपये के अंकित मूल्य के क्रम संख्या 227001 से 377000 के 1,50,000 विशिष्ट संख्या के ऋणपत्र स्वरूप के ऋणपत्रों पर प्रभावी है।

[सं. 26/93-स्टाम्प/फा. सं. 39/22/93-एस.टी.]

एस० के० बिस्वास, उपसचिव

STAMPS

New Delhi, the 12th August, 1993

S.O. 1806.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Vickers Systems International Limited, Bombay to pay consolidated stamp duty of Rupees One lakh, twelve thousand and five hundred only, chargeable on account of the stamp duty on 1,50,000 debentures bearing distinctive numbers 227001 to 377000 bonds in the form of debentures of the face value of Rupees 100 each of the aggregate value of Rupees One crore and fifty lakhs to be issued by the said company.

[No. 26/93-Stamp-F. No. 33/22/93-ST]

S. K. BISWAS, Dy. Secy.

स्टाम्प

नई दिल्ली, 12 अगस्त, 1993

का.आ. 1807.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा मैसर्स विकर्स सिस्टम्स इंटरनेशनल लिमिटेड बम्बई को चौवन हजार सात सौ पचास रुपये मात्र का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है जोकि उक्त कंपनी द्वारा जारी किये जाने वाले मात्र तिहत्तर लाख रुपये मूल्य के सौ-सौ रुपये मूल्य के अंकित मूल्य की कम संख्या 377001 से 4,50,000 के 73000 विनिष्ट संख्या के ऋणपत्र स्वरूप के ऋणपत्रों पर प्रभावी है।

[सं. 27/93-स्टाम्प / का सं. 33/25/93-एस. टी.]
एस० के० विस्वास, उप-सचिव

STAMPS

New Delhi, the 12th August, 1993

S.O. 1807.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Vickers Systems International Limited, Bombay to pay consolidated stamp duty of Rupees fifty four thousand, seven hundred and fifty only, chargeable on account of the stamp duty on 73000 debentures bearing distinctive numbers 377001 to 4,50,000 bonds in the form of debentures of the face value of Rupees 100 each of the aggregate value of Rupees seventy three lakhs to be issued by the said company.

[No. 27/93-Stamp-F. No. 33/25/93-ST]
S. K. BISWAS, Dy. Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 6 अगस्त, 1993

का.आ. 1808.—भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के 31 जुलाई, 1992 की अधिसूचना संख्या 9/22/92-बी.ओ. I में आर्थिक संशोधन करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के साथ परामर्श करने के पश्चात्, पंजाब एंड सिंध बैंक के अध्यक्ष और प्रबंध निदेशक श्री के. एस. बैस के कार्यकाल को एतद्द्वारा 31 मई, 1993 तक के लिए नियत करती है।

[सं. 9/22/92-बी.ओ. I]

एम. एस. सीतारामन, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 6th August, 1993

S.O. 1808.—In partial modification to Government of India, Ministry of Finance, Department of Economic Affairs (Banking Division)'s Notification No. 9/22/92-B.O.I dated 31st

July, 1992, the Central Government after consultation with the Reserve Bank of India, hereby fixes the tenure of Shri K. S. Bains, as the Chairman and Managing Director of the Punjab & Sind Bank, upto 31st May, 1995.

[F. No. 9/22/92-B.O.I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 6 अगस्त, 1993

का.आ. 1809.—निक्षेप बीमा एवं प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 6 की उप-धारा (2) के साथ पठित धारा 6 की उप-धारा (1) के खंड (ड) के उपबंधों के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा अध्यक्ष एवं प्रबंध निदेशक, इलाहाबाद बैंक, कलकत्ता को तत्काल प्रभाव से 18 अक्टूबर, 1994 तक के लिए निक्षेप बीमा एवं प्रत्यय गारंटी निगम के निदेशक के रूप में नामित करती है।

[एफ. सं. 7/2/91-बी. ओ. I]

एम. एस. सीतारामन, अवसर सचिव

New Delhi, the 6th August, 1993

S.O. 1809.—In pursuance of the provisions of clause (c) of sub-section (1) of section 6 read with sub-section (2) of section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government after consultation with the Reserve Bank of India, hereby nominates the Chairman and Managing Director, Allahabad Bank, Calcutta, as a director of the Deposit Insurance and Credit Guarantee Corporation with immediate effect and upto 18th October, 1994.

[F. No. 7/2/91-B.O.I]

M. S. SEETHARAMAN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 5 अगस्त, 1993

का.आ. 1810.—यतः पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 1437 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार

एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

वी एल आई एफ (144) से बी एल डीडी तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला—; महसणा तालुका : चानास्मा

गांव	सर्वे नं.	हे.	आर.	सेटी
कनोडा	61	0	07	68
	59	0	00	75
	60	0	09	45
	74	0	18	45

[सं. ओ 12016/181/91 ओएनजीडी-IV]

एम. मार्टिन, डैस्क अधिकारी

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 5th August, 1993

S.O. 1810.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1437 dated 24-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the Schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from BLIF (144) To BLDD

State : Gujarat District : [Mehsana Taluka : Chanasma

Village	Survey No.	Hec-tare	Are	Centiare
Kanoda	61	0	07	68
	59	0	00	75
	60	0	09	45
	74	0	18	45

[No. O. 12916/181/91-ONGD-IV]

M. Martin, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का.आ. 1811 —यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 1450 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

डीजेएनसी से दहेज जीजीएस तक पाइप लाइन बिछाने के लिये।

राज्य : गुजरात	जिला : भरुच	तालुका : धाधरा		
जलवा	236	0	66	56
	227	0	17	68

1	2	3	4
228	0	02	08
244	0	22	88
245	0	18	72
246	0	09	36
282	0	15	08
286	0	14	56
294	0	06	24
295	0	15	60
293	0	14	56
306	0	40	56
308	0	22	88
309	0	06	76
339	0	10	40
कोर्ट ट्रैक	0	01	56
338	0	07	28
337	0	18	72
336	0	04	16

[सं० ओ-12016/215/91-ओएनजी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1811.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1450 dated 24-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the Schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from DJAP To DAHEJ GGS.

State : Gujarat District : Bharuch Taluka : Vagra				
Village	Block No.	Hec-tare	Are	Centiare
1	2	3	4	5
Jolwa	236	0	66	56
	227	0	17	68
	228	0	02	08

1	2	3	4	5
	244	0	22	88
	245	0	18	72
	246		09	36
	282	0	15	08
	286	0	14	56
	294	0	06	24
	295	0	15	60
	293	0	14	56
	306	0	40	56
	308	0	22	88
	309	0	06	76
	339	0	10	40
	Cart track	0	01	56
	338	0	07	28
	337	0	18	72
	336	0	04	16

[No. O. 12016/215/91-O N G D-IV]

M Martin, Desk Officer

मई दिल्ली, 5 अगस्त, 1993

का.भा. 1812.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा. सं. 1451 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जन करने का प्रस्ताव प्रणय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जन करने का विनिश्चय किया है।

अब यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कुआ नं. 2 से जीसीएम II तक पाइप लाइन बिछाने के लिए				
राज्य : गुजरात	जिला : भरुच	तालुका : वागरा		
गांव	ब्लॉक नं.	हे	घार	से
पालडी	261	0	10	40
	271	0	15	60
	272	0	00	48
	273	0	15	60

[सं. ओ. 12016/216/91-ओ एनजी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1812.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1451 dated 24-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from well No. 2 To GGS II.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Arc	Centiare
Paldi	261	0	10	40
	271	0	15	60
	272	0	00	48
	273	0	15	60

[No. O-12016/216/91-ONG-D.IV]

M. MARTIN, Desk Officer

नई दिल्ली 5 अगस्त, 1993

का.भा. 1813—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा. सं. 1452 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सज्जम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होभा।

अनुसूची

जी एन जी एक्स से जीजीएस II तक पाइप लाईन बिछाने के लिए

राज्य : गुजरात; जिला : भरुच; तालुका : वाग्र

ग्राम	ब्लॉक नं.	हे	आर	से.
पालडी	260	0	06	11
	272	0	08	32
	273	0	04	02
	274	0	09	50

[नं. ओ 12016/217/91/ओएनजीडी IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1813.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1452 dated 24-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from GNGX To GGS II.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Arc	Centiare
Paldi	260	0	06	11
	272	0	08	32
	273	0	04	02
	274	0	09	50

[No. O-12016/217/91-ONG-D.IV]

M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

New Delhi, the 5th August, 1993

का.सा. 1814—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.सा. 1453 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना प्राणय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जा रहा है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से तेल और प्राकृतिक गैस प्रायोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जीजेएम से दहेज से जी जीएस तक पाइप लाइन बिछाने लिए

राज्य : गुजरात; जिला : सूरत तालुका : वागरा

गांव	ब्लॉक नं.	हे.	अं.	सें.
कोलीयाद	66	02	05	20
	103/ए	0	24	96
	103/बी	0	01	12
	98/ए	0	01	02
	99/ए	0	15	60
	99/बी	0	00	96
	105	0	23	88
	96/सी	0	13	52
	106/बी	0	11	44
	95	0	11	44
	207	0	15	86
	206	0	39	52
	205	0	10	88
	202	0	07	28
	220/पी	0	01	20
	कार्ट ट्रैक	0	00	39
	194/ए	0	16	64
	192	0	29	12
	191	0	02	02
	187	0	32	21
	183/बी	0	06	24

[सं. ओ-12016/218/91 ओएनजीसी-IV]

एम. मार्टिन, डेस्क अधिकारी

S.O. 1814.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas No. S.O. 1453 dated 14-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) the Central Government directs that the right of user in the lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from DJAM To DAHEJ GGS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Acre	Centiare
Koliyad	66	0	05	20
	103/A	0	24	96
	103/B	0	01	12
	98/A	0	01	02
	99/A	0	15	60
	99/B	0	00	96
	105	0	23	88
	96/P	0	13	52
	106/B	0	11	44
	95	0	11	44
	207	0	15	86
	206	0	39	52
	205	0	10	88
	202	0	07	28
	220/P	0	01	20
	Curt track	0	00	39
	194/A	0	16	64
	192	0	29	12
	191	0	02	02
	187	0	32	21
	183/B	0	06	24

[No. O-12016/218/91-O.N.G.-D.IV]

M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का.सा. 1815—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. सा. 1455 तारीख

24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अथवा आशय घोषित कर दिया था।

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् हम अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, आगे उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि हम अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियां में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

डीजेएन से पक्खाजण जीजीएम तक पाइप लाइन बिछाने के लिए

राज्य, गुजरात;	जिला, भारुच;	तालुका, वाधरा			
गांव	ब्लॉक नं.	हे	आर	से	
कडोदरा	119	0	04	16	
	93	0	10	92	
	102	0	05	07	
	103	0	07	41	
	95	0	22	88	
	94	0	13	13	
	91	0	08	32	
कार्ट ट्रैक		0	01	30	
	53	0	07	02	
	51	0	08	45	
	29	0	02	73	
	31	0	03	64	
कार्ट ट्रैक		0	01	43	
	33	0	02	31	
	34	0	02	08	
	24	0	00	32	
	36	0	02	44	
	37	0	00	62	
	42	0	09	23	
	934	0	01	28	
	935	0	08	84	
कार्ट ट्रैक		0	02	08	
	947	0	14	82	
	889	0	16	64	
	893	0	33	80	
	894	0	60	06	
	895	0	01	56	
कार्ट ट्रैक		0	18	46	
	863	0	00	84	
	862	0	20	93	
	861	0	00	80	

[सं. ओ-12016/220/91/ओएनजीडी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1815.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas No. S.O. 1455 dated 24-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4), the Central Government directs that the right of user in the lands shall instead of vesting in Central Government vests on this date of the publication if this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from DJAN To Pakhajan GGS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
Kadodara	119	0	04	16
	98	0	10	92
	102	0	05	07
	103	0	07	41
	95	0	22	88
	94	0	13	13
	91	0	08	32
	Cart track	0	01	30
	53	0	07	02
	51	0	08	45
	29	0	02	73
	31	0	03	64
	Cart track	0	01	43
	33	0	02	31
	34	0	02	08
	24	0	00	32
	36	0	02	44
	37	0	00	62
	42	0	09	23
	934	0	01	28
	935	0	08	84
	Cart track	0	02	08
	947	0	14	82
	889	0	16	64
	893	0	33	80
	894	0	60	06
	895	0	01	56
	Cart track	0	18	46
	863	0	00	84
	862	0	20	93
	861	0	00	80

[No. O-12016/220/91-O.N.G.-D.IV]

M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का.प्र.1816--यतः पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्र. सं. 1456 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना प्राणय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की दशाय तेल और प्राकृतिक गैस प्रायोग में सभी माघाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होता है।

अनुसूची

जीजे ए एन से पक्खाजन जीजीएम तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तालुका	वाग्रा
गांव	ब्लॉक नं.	हे.	घ. म. से.
नरणावी	221/B	0	43 93
	219	0	00 27
	222	0	11 96
	217/A	0	20 28
	217/B	0	02 73
	216	0	07 02
	213/A/B	0	06 37
	212	9	00 56
	211	0	01 32
	208	0	25 72
	238	0	17 94
	236/B	0	26 52
	235	0	01 10
	234	0	05 04
	232	0	07 54
	5	0	24 44
	9	0	21 84
	10	0	21 45
	11	0	10 66

[सं. ओ-12016/221/91-ओएनजी डी IV]

एम.मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1816.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1456 dated 24-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right

of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from DIAN To PAKHAJAN GGS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec- tare	Are	Centi- tiare
Narnavi	221/B	0	43	93
	219	0	00	27
	222	0	11	96
	217/A	0	20	28
	217/B	0	02	73
	216	0	07	02
	213/A/B	0	06	37
	212	0	00	56
	211	0	01	32
	208	0	25	72
	238	0	17	94
	236/B	0	26	52
	235	0	01	10
	234	0	05	04
	232	0	07	54
	5	0	24	44
	9	0	21	84
	10	0	21	45
	11	0	10	66

[No. O-12016/221-91, ONDG-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का.प्र. 1817--यतः पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्र. सं. 1457 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना प्राणय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

प्रब, धन: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस प्रयोग में, सभी बाधाओं से मुक्त रूप में, पोषणा के प्रवाहन को इस तारिख को निहित होगा।

अनुसूची

इ जेएम से वहेज जर्जलस तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात ;	जिला : भारुच ,	तालुका : वाग्रा		
गांव	ब्लॉक नं.	हे.	आर.	से.
1	2	3	4	5
रहीयाद	336	0	03	25
	337	0	06	24
	338	0	02	60
	322/ए/बी	0	10	40
	काटे ट्रैक	0	00	39
	316	0	14	95
	काटे ट्रैक	0	00	78
	276	0	04	68
	273	0	08	84
	274	0	06	24
	275	0	01	95
	258	0	15	60
	256	0	04	42
	250	0	09	10
	252	0	18	72
	249	0	04	16
	काटे ट्रैक	0	00	65
	237	0	03	64
	241	0	13	26
	240	0	03	64
	काटे ट्रैक	0	00	78
	125	0	22	36
	131	0	05	20
	132/ए/बी	0	08	45
	133	0	05	12
	134	0	01	42
	135	0	11	96
	141	0	06	24
	140	0	09	36
	139	0	05	76
	143	0	10	10
	144	0	07	80

New Delhi, the 5th August, 1993

S.O. 1817.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1457 dated 24-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from DJAM To DAHEJ GGS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Arc Centiare	
1	2	3	4	5
Rahiyad	336	0	03	25
	337	0	06	24
	338	0	02	60
	322/A/B	0	10	40
	Cart track	0	00	39
	316	0	14	95
	Cart track	0	00	78
	276	0	04	68
	273	0	08	84
	274	0	06	24
	275	0	01	95
	258	0	15	60
	256	0	04	42
	250	0	09	10
	252	0	18	72
	249	0	04	16
	Cart track	0	00	65
	237	0	03	64
	241	0	13	26
	240	0	03	64
	Cart track	0	00	78
	125	0	22	36
	131	0	05	20
	132/A/B	0	08	45
	133	0	05	12
	134	0	01	42
	135	0	11	96
	141	0	06	24
	140	0	09	36
	139	0	05	76
	143	0	10	10
	144	0	07	80

[नं. ओ-12016/222/91/ओएनजीसी-IV]

एम. मार्टिन, डेस्क अधिकारी

[No. O-12016/222/91-ONGD-IV]

M. Martin, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का प्रा. 1818—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधिन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्रा. सं. 1458 तारीख 24-4-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और यतः सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधिन सरकार को रिपोर्ट दे दी है ;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार ए.व. द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने का बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन का इस तारीख को निहित होगा।

अनुसूची

जीएनएक्सएफ से जीएनएग्नाक तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात	जिला : भारुच	तालुका : जंबुसर		
गाँव	ब्लॉक नं.	हे.	अर.	से.
1	2	3	4	5
कलक	310	0	11	18
	309	0	01	56
	316	0	34	84
	322	0	06	63
	321	0	05	87
	323	0	00	52
	334	0	13	26
	335	0	06	89
	380	0	05	24
	381	0	11	44
काटं ट्रेक		0	01	30
	378	0	06	63
काटं ट्रेक		0	00	52
	374	0	14	56
	373	0	00	52
	347	0	00	12
	351	0	22	23
	352	0	11	70
	353	0	05	85
	356	0	10	57
	689	0	15	60
	634	0	16	00
	685	0	01	65

1	2	3	4	5
	635	0	11	68
	636	0	06	14
	637	0	06	01
	681	0	00	18
	680	0	00	98
	677	0	12	48
	639	0	00	32
	676	0	03	38
	675	0	04	16
	674	0	05	46
	673	0	11	05
	672	0	16	25

[सं. प्रो-12016/223/91/प्रोएनजी-ई-IV]

एम. माटिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1818.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1458 dated 24-4-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNXF TO GNAQ.

State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Kalak	310	0	11	18
	309	0	01	56
	316	0	34	84
	322	0	06	63
	321	0	05	87
	323	0	00	52
	334	0	13	26

1	2	3	4	5
	335	0	06	89
	380	0	05	24
	381	0	11	44
	Cart track	0	01	30
	378	0	06	63
	Cart track	0	00	52
	374	0	14	56
	373	0	00	52
	347	0	00	12
	351	0	22	23
	352	0	11	70
	353	0	05	85
	356	0	10	57
	689	0	15	60
	634	0	16	00
	685	0	01	65
	635	0	11	68
	636	0	06	14
	637	0	06	01
	681	0	00	18
	680	0	04	98
	677	0	12	48
	639	0	00	32
	676	0	03	38
	675	0	04	16
	674	0	05	46
	673	0	11	05
	672	0	16	25

[No. O-12016/223/91-ONG-D-IV]

M. Martijn, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का. भा. 1819.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 1717 तारीख 9-6-92 द्वारा केन्द्रिय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मध्यम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और भागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और भागे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार से निहित होने की बजाय तेल और प्राकृतिक गैस अध्याय में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगी।

अनुसूची

जो एन जी पी से इन्ज्यू आई एच डी पी एस तक पाइप लाइन बिछाने के लिए।

राज्य—गुजरात

जिला—भरुच

तालुका—वापरा

गांव	कैचमेंट नं.	हे.	अ.र.	मं.
1	2	3	4	5
गंधार	316/ए/बी	0	21	84
	12	0	21	45
	11	0	07	02
	5	0	12	74
	6	0	15	03
	4	0	09	88
	2	0	15	86
	202	0	24	96
	50	0	12	74
	304	0	15	34
	391	0	15	60
	394	0	47	84
	362	0	31	85
	363	0	14	82
	364	0	04	16
	365	0	03	84
	369	0	12	74
	378	0	00	68
	377	0	32	76
	376	0	11	96
	383	0	01	02
	384	0	21	97
	326/ए/बी	0	19	76
	325	0	03	12
	324	0	11	44
	322/ए/बी	0	13	72

[सं. ओ-12016/26/92-आ एन जी पी-IV]

एम. माटिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1819.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1717 dated 9-6-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from GNGP To W.I.H. at EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Acre	Cent-tiare
Gandhar	316/A/B	0	21	84
	12	0	21	45
	11	0	07	29
	5	0	12	74
	6	0	15	08
	4	0	09	88
	2	0	15	86
	202	0	24	96
	50	0	12	74
	304	0	15	34
	391	0	15	60
	394	0	47	84
	362	0	31	85
	363	0	14	82
	364	0	04	16
	365	0	03	64
	369	0	12	74
	378	0	00	68
	377	0	32	76
	376	0	11	96
	383	0	01	02
	384	0	21	97
	326/A/B	0	19	76
	325	0	03	12
	324	0	11	41
	322/A/B	0	13	72

[No. O-12016/26/92-ONG-D.IV]
M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का. भा. 1820.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 1718 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अथवा आणव्य घोषित कर दिया था।

और यतः सभ्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्णय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्न देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

पी डी ए आइ से पारग इ पी एस तक पाइप लाइन बिछाने के लिए
राज्य—गुजरात जिला—बड़ौदा तालुका—पादरा

गांव	प्लॉक नं.	हे.	आर	मं.
पादरा	941	0	05	85
	940	0	05	20
	939/2	0	03	25
	942/2	0	01	82
	942	0	05	20
	952	0	10	66
	950	0	05	20
	953/1	0	10	14
	953/2	0	10	01
	942/1	0	01	94

[सं. ओ.-12016/27/92-ओ एम जी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1820.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1718 dated 9-6-1992 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

SCHEDULE

Pipeline from PDAI to PADRA EPS

State : Gujarat District : Vadodra Taluka : Padra

Village	Block No.	Hec- tare	Are	Cent- tiare
Padra	941	0	05	85
	940	0	05	20
	939/2	0	03	25
	942/2	0	01	82
	942	0	05	20
	952	0	10	66
	950	0	05	20
	953/1	0	10	14
	953/2	0	10	01
	942/1	0	04	94

[No. O-12016/27/92-ONG-D. IV]
M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का. आ. 1821:—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 1719 तारीख 9-6-92 द्वारा केन्द्रीय सरकार के उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाये तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी.एन.जी. आई. से उल्क्यू. आई. एन. इ.पी.एस. के पास तक पाइप लाइन बिछाने के लिए
राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	ब्लॉक नं.	हे.	आर.	से.
गंधार	322/ए/बी	0	05	40

[सं. ओ-12016/28/92-ओएनजीई-IV]

एम० मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1821.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1719 dated 9-6-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNGI To W.I.H. At EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec- tare	Are	Cent- tiare
Gandhar	322/A/B	0	05	40

[No. O-12016/28/92-ONG-D.IV]
M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का.आ. 1822:—यतः पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 1720 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन जी डी से डब्ल्यू आई एच डी पी एस के पाम तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालूका : वागरा

गांव	ब्लॉक नं.	हे.	आर.	मे.
गंधार	323	0	07	28
	391	0	96	72
कार्ट ट्रैक		0	00	78
	393	0	21	84
	321	0	03	56
	322/ए/बी	1	46	90

[मं. ओ-12016/29/92-ओ एन जी डी-IV]

एम० मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1822.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1720 dated 9-6-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNGE to W.I.II. Near E.P.S.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
Gandhar	323	0	07	28
	391	0	96	72
	Cart track	0	00	78
	393	0	21	84
	321	0	03	56
	322/A/B	1	46	90

[No. O-12016/29/92-ONG.D.IV]
M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का. आ. 1823 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 1721 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन डी क्यू से डब्ल्यू आई एच डी एन के पास तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : आमोद

गांव	ब्लाक नं.	है	आर	से
1	2	3	4	5
देनवा	459	0	32	24

[सं. ओ-12016/30/92-ओ एन जी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1823.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1721 dated 9-6-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNDQ to W.I.H. at EPS.

State : Gujarat District : Bharuch Taluka : Amod

Village	Block No.	Hec-tare	Are	Cent-tiare
Denwa	459	0	32	24

[No. O-12016/30/92-ONG-D.IV]
M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का. आ. 1824 :—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ.सं. 1722 तारीख 9 जून, 1992 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

1785 GI/93—3

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन एफपी से जी जी एस-II तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : बागरा

गांव	ब्लाक नं.	है	आर	से
1	2	3	4	5
चांचबेल	282	0	13	26
	281	1	62	24

[सं. ओ-12016/31/92-ओ एन जी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1824.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1722 dated 9-6-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification,

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline,

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNFP to GGS IL

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec- tare	Are	Cent- tiare
Chanchwel	282	0	13	26
	281	1	62	24

[No. O-12016/31/92-ONG-D.IV]

M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

आ. आ. 1825 :—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 1724 तारीख 9 जून, 1992 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन डी क्यू से डब्ल्यू आइ एच ई पी एस के पास तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वाग्रा
गांव	ब्लॉक नं.	है. आर. से.
चांचवेल	285	0 79 04

[सं. ओ-12016/33/92 ओएनजी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1825 :—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1724 dated 9-6-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline,

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNDO to W.I.H. at FPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec- tare	Are	Cent- tiare
Chanchwel	285	0	79	04

[No. O-12016/33/92-ONG-D.IV]

M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का.आ. 1826 :—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 1725 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जीएनजीवी से डब्लू आई एच तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	ब्लॉक नं.	हे०	आर०	सें
गंधार	322/ए/बी	0	20	48

[सं. ओ-12016/34/92-ओएनजी-डी-IV]

एम.मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1826.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1725 dated 9-6-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline,

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNGV to W.I.H. at EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centiare
Gandhar	322/A/B	0	20	48

[No. O.-12016/34/92-ONG-D. IV]

M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का.सं. 1827.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार को पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधि-

सूचना का.सं. 1726 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्-द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जीएनजीवी से डब्लू आई एच इपीएस तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	ब्लॉक नं.	हे०	आर०	सें.
मुलेर	63	0	42	12

[सं. ओ-12016/35/92-ओ एन जी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1827.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1726 dated 9-6-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government,

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from GNGV to W.I.H. at EPS
State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Cent-tare
Muller	63	0	42	12

[No. O-12016/35/92-ONG-D.IV]
M. MARTIN, Desk Officer

नई दिल्ली, 5 अगस्त, 1993

का.आ. 1828.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. सं. 1927 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जो जे ए पी से दहेज जी पी एस तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तालुका : वाग्रा			
गांव	ब्लोक नं.	हे	आर	सें.	
कोलीयाद	66	0	04	16	
	65/ए	0	21	84	
	1	0	16	64	
	71	0	20	80	
	72	0	10	40	
	98/बी	0	20	80	
	98/सी	0	07	28	
	97	0	09	88	
	96	0	21	84	
	94	0	06	24	
	95	0	02	08	
	210	0	08	32	
	209	0	11	44	
	208	0	09	88	
	206	0	02	08	
	218	0	14	56	
	219	0	07	28	
	220	0	20	80	
	222/ए	0	17	16	
	222/बी	0	19	04	
	223	0	01	76	
	190	0	10	40	
	191	0	15	60	
	188/ए	0	16	64	
	188/बी	0	02	08	
	181/ए	0	07	28	
	183/बी	0	06	24	

[सं. ओ-12016/36/92-ओएनजी-डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1828.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 1927—dated 9-6-93 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from DJAP to DAHEJ GGS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hec-tare	Are	Centi-are
Kollyad	66	0	04	16
	65/A	0	21	84
	1	0	16	64
	71	0	20	80
	72	0	10	40
	98/B	0	20	80
	98/C	0	07	28
	97	0	09	88
	95	0	21	84
	94	0	06	24
	95	0	02	08
	210	0	08	32
	209	0	11	44
	208	0	09	88
	206	0	02	08
	218	0	14	56
	219	0	07	28
	220	0	20	80
	222/A	0	17	16
	222/B	0	19	04
	223	0	01	76
	190	0	10	40
	191	0	13	60
	188/A	0	16	64
	188/B	0	02	08
	181/1A	0	07	28
	183/B	0	06	24

[No. O-12016/36/92-ONG-D.IV]
M. MARTIN, Desk Officer

नई दिल्ली, 13 अगस्त, 1993

का. आ. 1829.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसमें इससे पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संस्थान अधिसूचना सं. का. आ. 3056 तारीख 17 नवम्बर, 1990 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के ध्येय प्राप्ति की घोषणा की थी;

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 22 नवम्बर, 1990 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 4 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जन करने का घोषणा करती है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विलक्षणों सहित, दंडित अधिनियमों के अन्तर्गत में निहित होगा ।

अनुसूची

तहसील : भावल		जिला : रियासी		राज्य : हरियाणा		
गांव का नाम	हबबस्त नं.	मुखतल	क्षेत्रफल			
		नं.	किला	नं.	घ. मी.	वर्ग मीटर
1	2	3	4	5	6	7
मुलखा	2	22				
		01	0	05	31	
		32				
		15	0	04	30	
		45				
		11	0	07	08	

[संख्या आर-31015/10/93-आ.आर.-I]

कुलदीप सिंह, सचिव

New Delhi, the 13th August, 1993

S.O. 1829.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 3056, dated the 17th November, 1990 published in the Gazette of India, Part-II, Section 3 sub-section (ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 22nd November, 1990;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands

specified in the schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead vesting in the Central Government, vests, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Bawal		District : Rewari		State : Haryana		
Name of No. Village	Hadbast No.	Mustateel/ Killa No.	Arca			
			Hec-tare	Are	Centiare	
1	2	3	4	5	6	
Sulakha	2	22				
		01	0	05	31	
		32				
		15	0	04	30	
		45				
		11	0	07	08	

[No.R-31015/10/93-O.R-I]

KULDIP SINGH, Under Secy

नई दिल्ली, 13 अगस्त 1993

का. प्रा. 1830.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पदार्थों का उपयोग (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय अधिसूचना सं. का. प्रा. 2683 तारीख 13 अक्टूबर, 1990 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने प्राणय की घोषणा की थी;

और राजपूत अधिसूचना की प्रतियाँ जनता को तारीख 22 अक्टूबर, 1990 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में संलग्न प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जन किया जाए;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जन करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विस्तारों से रहित इंडियन ऑइल कॉरपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील - रिवाड़ी	जिला - रिवाड़ी	राज्य - हरियाणा				
गांव का नाम	हदबस्त नं.	मुस्ततिल नं.	क्षेत्रफल			
	नं.	किला नं.	हैक्टर	आर	बंसीटर	
1	2	3	4	5	6	
शाहवाग	145	105				
		2/1	0	13	91	
		106				
		2	0	00	00	
		120				
		7	0	08	35	
बालियाकी	133	12				
		4	0	08	85	
		5	0	10	12	
		6	0	04	55	
		13				
		9	0	00	76	
		10	0	11	91	
		11	0	01	26	
		12	0	14	16	
		13/1	0	00	76	
		13/2	0	01	26	
		17/2	0	07	59	
		18	0	11	13	
		24	0	07	34	
		25	0	12	14	
		14				
		21/2	0	00	00	
		15				
		1/1	0	04	55	
		1/2	0	10	12	
		8/1	0	00	00	
		8/2	0	05	56	
		9/1	0	01	01	
		9/2	0	10	62	
		10	0	00	51	
		13	0	09	86	
		16				
		5/1	0	03	04	
		37	0	02	78	

[संख्या प्रा. 31015/10/93-ओ.प्रा. I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 13th August, 1993

S.O. 1830.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2683, dated the 13th October, 1990 published in the Gazette of India, Part II Section 3 sub-section (ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum,

And whereas the copies of the said Gazette notification were made available to the Public on the 22nd October, 1990;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government,

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the schedule appended to this notification should be acquired,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification are hereby acquired,

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead vesting in the Central Government vests, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Rewari		District: Rewari		State: Haryana	
Name of Village	Hadbast No.	Mustateel/ Killa No.	Area		
			Hec- tare	Are	Centiare
1	2	3	4	5	6
Bhadawas	145	105			
		2/1	0	13	91

1	2	3	4	5	6
		106			
		2	0	00	00
		120			
		7	0	03	35
Daliyaki	133	12			
		4	0	03	85
		5	0	10	12
		6	0	04	55
		13			
		9	0	00	76
		10	0	13	91
		11	0	01	26
		12	0	14	16
		13/1	0	00	76
		13/2	0	01	26
		17/2	0	07	59
		18	0	11	13
		24	0	07	34
		25	0	12	14
		14			
		21/2	0	00	00
		15			
		1/1	0	04	55
		1/2	0	10	12
		8/1	0	00	00
		8/2	0	05	56
		9/1	0	01	01
		9/2	0	10	62
		10	0	00	51
		13	0	09	86
		16			
		5/1	0	03	04
		37	0	02	73

[No.R-31015/10/93-O.R-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 13 अगस्त, 1993

का. भा. 1831.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय अधिसूचना सं. का. भा. 1147 तारीख 20 अप्रैल, 1991 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 30 अप्रैल, 1991 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी श्रिल्लगमों से रहित, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : गुह्ला		जिला : कैथल		राज्य : हरियाणा					
गांव का नाम	हथबस्त नं.	मुस्ततिल नं./ किला नं.	क्षेत्रफल						
			कनाल	मरला	हैक्टर	आर	वर्गमीटर		
1	2	3	4	5	6	7	8		
खेड़ी गुलाम अली	83	4							
		24	2	14	00	13	66		
		5							
		9	0	01	00	00	25		
		12							
		1	1	18	00	09	61		
		17	2	11	00	12	90		
		25	1	17	00	09	36		
		लक्षाना चक्कू	97	24					
				24/2 47	2	1	00	10	37
4	1			0	00	05	08		
85									
19	1			8	00	07	08		

[संख्या : आर—31015/10/93—ओ. आर—I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 13th August, 1993

S.O. 1831.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1147, dated the 20th April, 1991 published in the Gazette of India, Part II Section 3 sub-section (ii) issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum,

And whereas the copies of the said Gazette notification were made available to the public on the 30th April, 1991;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification are hereby acquired,

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in the Indian Oil Corporation Limited.

Schedule

Tehsil : Guhla		District : Kaithal		State : Haryana			
Name of Village	Hadbast No.	Mustateel Killa No.	Area				
			Ka-nal	Mar-la	Hec-tare	Are	Cent-tiare
1	2	3	4	5	6	7	8
Kheri Gulam Ali	83	4					
		24	2	14	0	13	66
		5					
		9	0	1	0	00	25
		12					
		1	1	18	0	09	61
		17	2	11	0	12	90
		25	1	17	0	09	36
Ladana Chaklu	97	24					
		24/2	2	1	0	10	37
		47					
		4	1	0	0	05	06
		85					
		19	1	8	0	07	08

[No. R-31015/10/93-O.R-I]

KULDIP SINGH, Under Secy.

1785 GI/93—4

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 12 अगस्त, 1993

का.आ. 1832.—केन्द्रीय होम्योपैथी परिषद् अधिनियम, 1973 (1973 का 59) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में नीचे सारणी के स्तम्भ (1) में उल्लिखित व्यक्ति को स्तम्भ (2) में उल्लिखित विश्वविद्यालय से निर्वाचित किया गया है।

अतः अत्र केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के स्वास्थ्य और परिवार नियोजन मंत्रालय, स्वास्थ्य विभाग की अधिसूचना में, जो का.आ. 482(अ), तारीख 6 अगस्त, 1974 द्वारा प्रकाशित की गई थी, निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना की सारणी में क्रम सं. 17 और उसके संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

1	2
17. (डॉ.) जाधव अरूण भार्गव	पूना विश्वविद्यालय
प्राचार्य, भारती विद्यापीठ	
होम्योपैथी मेडिकल कालेज	
धनकावडी पुणे-411043	

[सं. वी. 26018/15/87-होम्यो(सी.सी.एच.)]

बी. सी. मेहता, डैस्क अधिकारी

पाद टिप्पणी: मूल अधिसूचना का.आ. सं. 482 (अ) तारीख 6-8-1974 द्वारा जारी की गई थी और तत्पश्चात् उसे अधिसूचना सं. वी. 26018/15/97-होम्यो (सी.सी.एच.) (ii) तारीख 29 अगस्त, 1990 और अधिसूचना सं. वी. 26017/15/89-होम्यो (सी.सी.एच.) तारीख 14 फरवरी, 1992 द्वारा संशोधित किया गया।

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, the 12th August, 1993

S.O. 1832.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the person mentioned in column (1) of the Table below has been elected from the University mentioned in column (2).

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Planning, Department of Health published vide S.O. 482(E) dated the 6th August, 1974, namely:

In the Table to the said notification, for serial number 17 and entries relating thereto, the following shall be substituted, namely :

(1)	(2)
17. (Dr.) Jadhav Arun Bhargava, Principal, Bharati Vidyapeeth's Homoeopathy Medical College Dhankavadi, Pune-411043	University of Poona

[No. V. 26018/15/87-Homoco (CCH)]

E.C. MERTTA, Desk Officer

Foot Note : The Principal notification was issued vide S.O. 482(E) dated the 6th August, 1974, and subsequently amended by notification No. V. 26018/15/87-Homoco (CCH) (ii) dated 29th August, 1990 and notification No. 26017/15/89-Homoco (CCH) dated 14th Feb. 1992.

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 17 अगस्त, 1993

का.आ. 1/33.—केन्द्रीय सरकार का दिल्ली की मुख्य योजना/क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एनद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो/सुझाव देना हो तो वह अपनी आपत्ति/सुझाव लिखित रूप में इस सूचना के जारी होने की तारीख से 30 दिन की अवधि के अंदर सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, 'बी' ब्लॉक, आई. एन.ए. नई दिल्ली को भेज दें। आपत्ति करने/सुझाव देने वाले व्यक्ति को अपना नाम और पता भी अवश्य देना चाहिए। संशोधन :—

“उत्तर-पूर्व ऑयल पाइप लाइन, दक्षिण-पूर्व में रेवाड़ी रेलवे लाइन, दक्षिण में विजयसन रोड, पश्चिम में नजफगढ़ वाले और उत्तर में नजफगढ़ रोड (बिरे लगभग 1996 हेक्टे. (4930.12 एकड़) क्षेत्र का भूमि उपयोग “ग्रामीण उपयोग जोन” से द्वारका योजना चरण-2 के लिए नीचे दिए गए क्षेत्र के अनुसार “आवासीय”, व्यावसायिक आवासीय उपयोग, सार्वजनिक एवं अर्द्ध-सार्वजनिक सुविधाओं, सार्वजनिक उपयोगिता मनोरंजनात्मक एवं परिवहन में परिवर्तित किए जाने का प्रस्ताव है :—

क्रम. सं.	प्रस्तावित भूमि उपयोग	क्षेत्रफल (हेक्टे.)
1.	आवासीय	765.12
2.	व्यावसायिक	196.07
	(क) व्यावसायिक	128.07 हेक्टे.
	(ख) सेवा केन्द्र	68.00 हेक्टे.
3.	सरकारी उपयोग	3.16

क्रम सं.	प्रस्तावित भूमि उपयोग	क्षेत्रफल (हेक्टे.)
4.	सार्वजनिक एवं अर्द्धसार्वजनिक सुविधाएं	102.61
5.	सार्वजनिक उपयोगिता	95.08
6.	मनोरंजनात्मक	533.08
7.	परिवहन	300.00
		1996.00

2. प्रस्तावित संशोधन को दर्शाने वाला नक्शा निरीक्षण के लिए उपनिदेशक, मुख्य योजना अनुभाग, विकास मीनार, छठी मंजिल, आई.पी. एस्टेट, नई दिल्ली के पास उपर्युक्त अवधि के दौरान सभी कार्य दिवसों में उपलब्ध रहेगा।

[सं. फ. 20(10)/84-एम.पी.]

रणवीर सिंह, सचिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 17th August, 1993

S.O. 1833.—The following modification which the Central Govt. proposes to make in the Master Plan/Zona Development Plan for Delhi, is hereby published for public information. Any person having any objection/suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, I.N.A. New Delhi, within a period of 30 days from the date of this notice. The person making the objection/suggestion should also give his name and address.

MODIFICATION:

“Area bounded by Oil Pipe Line in the North-East, Rewari Railway Line in the South-East, Bijwasan Road in the South Najafgarh Drain in the West and Najafgarh Road in the North, measuring about 1996 ha. (4930.12 acres), is proposed to be changed from ‘rural use’ zone to ‘residential’, commercial, Govt. use, public and semi-public facilities public utility, recreational and transportation in Dwarka Scheme, Phase II, Delhi, as per the areas given below:

S.No.	Proposed land use	Area (Hect.)
(i)	Residential	765.12
(ii)	Commercial	196.07
	(a) commercial	128.07 ha.
	(b) service centre	68.00 ha.
(iii)	Government use	3.16
(iv)	Public and semi-public facilities	102.61
(v)	Public utility	95.08
(vi)	Recreational	533.08
(vii)	Transportation	300.00
	Total	1996.00

2. The plan indicating the proposed modification will be available for inspection at the office of the Deputy Director Master Plan Section, 6th Floor, Vikas Minar, I.P. Estate, New Delhi, on all working days within the period referred to above.

[No. F. 20(10)/84-MP]
RANBIR SINGH, Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 19 जुलाई, 1993

का. आ. 1834.—चलचित्र प्रमाणन नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस मंत्रालय की दिनांक 30-9-91, 24-1-92, 24-8-92, 13-11-92 और 16-11-92 की अधिसूचना संख्या 814/11/90-एफ(सी) और 4-5-93 की अधिसूचना संख्या 809/9/93-एफ(सी) के अनुक्रम में केन्द्रीय सरकार श्रीमती कृष्णा जैन, 14, लिंक रोड, जंगपुरा एक्सटेंशन, नई दिल्ली को तत्काल प्रभाव से अगले आदेश तक केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्य के रूप में नियुक्त करती है।

[फाइल संख्या 809/9/93-एफ(सी)]

एस. लक्ष्मीनारायणन्, संयुक्त सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 19th July, 1993

S.O. 1834.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 & 8 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's Notifications No. 814/11/90-F(C) dated 30-9-91, 24-1-92, 24-8-92, 13-11-92 and 16-11-92 and No. 809/9/93 F(C) dated 4-5-93, the Central Government is pleased to appoint Mrs. Krishna Jain, 14 Link Road, Jangpura Extn., New Delhi-110014 as a member of the Delhi advisory panel of the Central Board of Film Certification with immediate effect and until further orders.

[File No. 809/9/93-F(C)]

S. LAKSHMI NARAYANAN, Jt. Secy

श्रम मंत्रालय

नई दिल्ली, 4 अगस्त, 1993

का. आ. 1835.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सरकार एल सी सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-93 को प्राप्त हुआ था।

[संख्या एल-22012/334/89-आई. आर (सी-II)]

राजा लाल, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 4th August, 1993

S.O. 1835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Government Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 3-8-93.

[No. L-22012/334/89-CR(IID)]

RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated, 19th day of July, 1993

Industrial Dispute No. 22 of 1990

BETWEEN :

The Workmen of S.C. Co. Ltd.,

Kothagudem, Khammam Dist. (AP). ..Petitioner

AND

The Management of S.C. Co. Ltd.,

Kothagudem, Khammam Dist. (AP). ..Respondent.

APPEARANCES :

M/s. G. Bikhapathi, G. Vidyasagar and Gu Kishna,
Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha and P. A. V. Balu
Prasad, Advocates—for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-22012/334/89-IR (C.II) dt. 30-3-1990 for adjudication of the dispute between the Management of Singareni Collieries Company Limited, Kothagudem and their workmen setting forth the point for adjudication in the schedule appended thereto as follows :—

"Whether the action of the Management of M/s. S.C. Co. Ltd. Kothagudem in dismissing Sri Nalla Krishna, General Mazdoor from service vide L-22-2-89 without observing principles of natural justice, is justified? If no, to what relief Sri Nalla Krishna is entitled?"

This reference was registered as Industrial Dispute No. 22 of 1990 on the file of this Tribunal. After receiving the notices, both parties put in their appearance and the concerned workman Nalla Krishna filed claim statement on 13-8-1990 and the Respondent filed counter on 7-12-1990.

2. The brief contents of the claim statement read as follows : The workman submits that he was appointed as General Mazdoor in a permanent vacancy. At the relevant time, he was working at JK-I & II Inclines at Yellandu Division of S.C. Co. Limited as General Mazdoor. He had put in nearly 12 years of service. Also he applied for transfer to Divisional Workshop. While working at Yellandu, but however, his request was not considered. In this regard, it is submitted that the relations between the Petitioner and the Manager of JK-I & II Inclines were strained and he also, he made application for transfer. However, the same was not considered but on the other hand, the Petitioner was transferred to Boring Department w.e.f. 1-2-1986. The Petitioner has been discharging his duties to the entire satisfaction of his superiors in the Boring Department also. The Management is showing vindictive attitude on the petitioner on account of the instigations made by the Manager of SK-I and II inclines. The Petitioner submits that he was issued with show cause notice-cum-charge sheet dt. 17/22-8-87 alleging that the Petitioner attended late to the duties on 12-8-1987 at about 8 A.M. and that he abused Sri Nagabhushanam on duty and that the said action amounts to misconduct under Companies Standing Orders

16(5). The Petitioner submitted his reply on 29-8-1987 denying the allegations levelled against him. It is the case of the Petitioner that he came for duty at 7.00 A.M. itself and as there was nobody in the department to mark the attendance, he waited for some time and left for nature call. By the time, he came back, the Petitioner was not allowed for duty by Sri Nagabhushanam, who was also the General Mazdoor in Boring Department. The said Nagabhushanam belongs to A.I.T.U.C. and he was only acting as Rig Men and that he has no power to record the muster, which is the duty of the Man-way Clerk. On account of Union rivalry, Sri Nagabhushanam behaved in a violent and high-handed manner as the Petitioner belongs to I.N.T.U.C. and a false case has been foisted against him. The Petitioner vehemently denied that he came late to the Department and that he abused and man-handled Sri Nagabhushanam. It is submitted that the Petitioner was again issued with show cause notice-cum-charge sheet on 1-9-1987 alleging that the Petitioner left the workshop at 1.30 P.M. in spite of instructions by Sri Nagabhushanam not to leave the workshop, and that it amounts to misconduct under Standing Orders 16(5) and 16(1). In this regard, it is submitted that the very Nagabhushanam foisted a false case against the Petitioner. It is the case of the petitioner that he reported for duty on 11-8-1987. While so, he received a message from his house that his wife is very much serious and his presence is very much essential. The Petitioner worked upto 1.30 P.M. and as soon as his relief came in the second shift, he left the spot after taking permission from the superior Officers. The relief workman had continued to work in the place of the Petitioner. The Petitioner submitted his explanation denying the charges and alleging enquiry between Nagabhushanam and Petitioner on account of trade union rivalries. The enquiry was conducted in an unfair and illegal manner, violating the principles of natural justice. The Director of Planning and Purchases without considering the illegality and irregularity, in the proceedings and without furnishing the said important documents, passed an order dt. 22-2-1989 dismissing the Petitioner from service. The said order of dismissal is wholly illegal, unjust and violative of principles of natural justice. There is no evidence worth-relying before the Enquiry Officer to hold that the charges as proved. With regard to the 1st charge dt. 17-8-1987, the Enquiry Officer himself proceeded with a biased manœuvre in as much as he recorded the statements in wrong fashion. Thereby, he developed grouse against the Petitioner. There is no evidence to hold the charges as proved. Thus, the findings of the Enquiry Officer on the 1st charge sheet are wholly illegal and perverse. With regard to the charge sheet No. 2 dt. 1-9-1987 it is submitted that even though there are two charges, the Enquiry Officer recorded three charges, and held the charges under Standing Orders 16(18) and 16(1) as proved. In this regard also, there is no evidence whatsoever to sustain the charges. The Petitioner has left the workshop only with the permission of the superior officers and after putting the second shift person. The action of the Management amounts to victimisation and unfair labour practice. In any even, the orders of dismissal is to severe punishment and out of all proportions alleged gravity of misconduct. A lesser punishment could have met the ends of justice. The Petitioner therefore prays that the Hon'ble Court may be pleased to set aside the order of dismissal passed by the Respondent in the proceedings dt. 22-2-1989 dismissing the Petitioner as illegal, arbitrary and unjust and consequently pass an award directing the Management to reinstate the Petitioner into service with full back wages and other attendant benefits.

3. The brief contents of the counter read as follows : At the outset the Respondent denied the various allegations made in the claim statement filed by the petitioner except those are specifically admitted herein and the petitioner is put to strict proof of the same. It is true that the petitioner made an application for transfer from JK Mines to Workshop. Because of the administrative reasons and as there was no vacancy, his representation could not be considered at that time. There should be some vacancy in a particular place to carry out the job. The contention of the petitioner that because of the strained relationship between the Manager of JK Mines and the petitioner, he made an application for transfer from JK Mines to Workshop and the same was not considered by the Respondent and on the other hand the

petitioner was transferred to Boring Department is not correct. It is true that the Petitioner was transferred from JK Mines to Boring Department, Kothagudem as Boring Mazdoor. On two occasions he was charge sheeted the details of which are given below :—

1. Charge sheet vide Charge sheet No. CC/50D/136/825, dt. 29-5-1986 for sleeping while on duty and showing negligence under Company's Standing Order Nos. 16(6) & 16(10). On this he was warned vide Lr. No. CG/50B/D/136/925, dt. 13-06-1986.
2. Charge sheet vide show cause notice No. CG/D/136/371, dt. 6-3-1987 for having committed theft, misconduct under Company's Standing Order No. 16(2). On this he was suspended for 10 days vide Lr. No. CG/D/136/964 dt. 11-6-1987.

It may be noticed for all the two occasions disciplinary action was initiated by the Company, fair opportunity was given to the employee and action was taken against him and he was warned and suspended. The petitioner on receipt of the charge sheet submitted his explanation on 29-8-1987 and as the Management was not satisfied with the explanation, appointed an Enquiry Officer to conduct the domestic enquiry. The allegation that he was not permitted to attend for duty and there was nobody in the department to take attendance is not correct and he left for nature's call is also false. It may be noticed that the petitioner's contention is that Sri Nagabhushanam belong to A.I.T.U.C. and he was only acting Rigmans and that he has no power to record the muster which is not correct. It may be noticed for another misconduct committed by the petitioner on 11-8-1987 another charge sheet was issued under Company's Standing Order Nos. 16(1), 16(18) and 16(7). The second charge sheet is with regard to leaving the workshop without permission and wilful in subordination and disobedience and for habitual indiscipline. The allegation that because his wife was seriously ill and since the shift boring mazdoor came for duty as reliever, he left the workshop after taking permission from his superiors is not correct. It is true an explanation was submitted by the workman. The allegation that because of enmity between Sri Nagabhushanam and the petitioner on account of trade union rivalries the dispute has been foisted is not correct. The contention of the petitioner that the Director (CP&P) without considering the illegality and irregularity in the proceedings and without furnishing the said important documents passed the dismissal order dated 22-2-1989 dismissing the petitioner from Company's service is not a fact. The contention of the petitioner that the order of dismissal is illegal and in justice and not followed all principles of natural justice is far from truth. As the charges levelled against the petitioner being grave and serious there were no extenuating circumstances the punishment warranted is that of dismissal and there is no justification or sufficient ground for awarding lesser punishment. It is reiterated that he was dismissed from Company's services as per the Company's Standing Orders and it is not at all an illegal dismissal. It is reiterated that while conducting the enquiry proceedings, the Enquiry Officer has followed all the principles of natural justice. The Hon'ble Court may please to dismiss the claim of the petitioner.

4. W.W.1 was examined on behalf of the Petitioner-Workmen. No documents were marked on the Petitioner side. M.W.1 was examined on behalf of the Respondent-Management and marked Exs. M1 to M15 on the side of the Respondent.

5. My predecessor passed an Order on 19th August, 1991 holding that the two domestic enquiries conducted against the workman (W.W.1) in this case by the Management are not initiated or any ground.

6. The point for adjudication is whether the Respondent-Management in dismissing Sri Nalla Krishna, General Mazdoor from service w.e.f. 22-2-89 without observing the principles of natural justice is justified?

7. The contention of the Petitioner-workman that he was issued with show cause notice-cum-charge sheet dt. 17/22-8-87 alleging that he attended late to the duties on 12-8-1987 at about 8.00 A.M. and that he abused Sri Nagabhushanam on duty. The Petitioner submitted his reply on 29-8-1987 denying the allegations levelled against him. The case of the petitioner is that he came for duty at 7.00 A.M. itself and as there was nobody in the department to mark the attend-

ance, he waited for some time and left for nature call. By the time, he came back, the petitioner was not allowed for duty by Sri Nagabhushanam who was also the general mazdoor in Boring Department. The said Nagabhushanam belongs to A.I.T.U.C. and he was only acting as Rig Man and that he has no power to record the muster which is the duty of the Manway clerk.

8. On the other hand the contention of the Respondent-Management that the allegation that he was not permitted to attend for duty and there was nobody in the Department to take attendance is not correct and he left for nature's call is also false. Sri Y. Nagabhushanam, Acting Rigman, who was taken attendance and giving instructions to the workmen found that he has not attended for duty and came late and when he questioned about it, the petitioner got enraged and abused Y. Nagabhushanam in vulgar language and manhandled him. It further contended that may be noticed their Union activities have no relevance with the official duties.

9. At the very outset I would like to mention that no doubt the Petitioner-workman came late to duty on 12-8-1987, Mr. Y. Nagabhushanam, Rigman was incharge of the 1st Shift should have asked for late permission letter or should have informed the higher authorities regarding late coming of the Petitioner-workman instead of marking the Petitioner-workman absent on that day. When Nagabhushanam was informed that the Petitioner workman came early on that day and as the petitioner-workman went out for nature call, Nagabhushanam marked absent against the Petitioner-workman and the petitioner-workman got angry and abused him. Abusing is very common among the workmen in any industry. The contention of the Petitioner-Workman that many others who come late and go early and why he (Petitioner-workman) only is being harassed and discriminating. The further contention of the Petitioner-workman in his explanation dt. 29-8-1987 that Sri Nagabhushanam is collecting money from the workers every month and he asked him (Petitioner) also but the petitioner refused to pay and Sri Nagabhushanam said in Telugu to the Petitioner "Manchidi Nenu Chosukontanu". This goes to show that the Acting Rigman Sri Nagabhushanam is having a grudge against the Petitioner-workman in one way or the other. It is also the contention of the Petitioner-workman that he belongs to I.N.T.U.C. whereas Nagabhushanam belongs to A.I.T.U.C. Naturally there will always be rival between the Unions Members. Taking advantage of this rivalry, Petitioner was inflicted with the maximum punishment of dismissal from service being the rival union and unnecessary foisted a false charge. I find the order of dismissal of the Petitioner-Workman is wholly arbitrary and mala fide and the dismissal is too severe a punishment. On a consideration of the evidence, facts and circumstances of the case, I am clearly of the view that the action of the Management amounts to victimisation and unfair labour practice. The order of dismissal is wholly arbitrary and too severe a punishment and out of all proportionate alleged gravity of misconduct under Charge No. 1 and Charge No. 2 also.

10. In the result, the action of the Management of M/s. S.C. Co. Ltd., Kothagudem in dismissing Sri Nalla Krishna, General Mazdoor from service w.e.f. 22-2-89 without observing principles of natural justice is not justified. The Petitioner-workman is entitled to reinstatement into service with all back wages and other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 17th day of July, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I
Appendix of Evidence

Witnesses Examined on behalf
of the Petitioner-Workman.

W.W.1 N. Krishna

Witnesses Examined on
behalf of the Respondent-
Management :

M.W.1 Y. Venkateswarlu.

Documents marked for the Respondent-Management :

Ex. M1/10-10-87—Photostat copy of the Notice dated 10-10-87 issued by the Management of Nalla Krishna with regard to attend for enquiry conducted by Enquiry Officer on 17-10-87.

Ex. M2/22-7-87—Photostat copy of the General authorisation dated 22-7-87 issued by the Chief Personnel Officer, S.C. Co. Ltd., Kothagudem to Sri Y. Venkateswarlu, Personnel Officer.

Ex. M3/17/22-8-87—Copy of the Show Cause Notice 17/22-8-87 issued by the Chief Geologist to Nalla Krishna.

Ex. M4/29-08-87—Copy of the explanation dated 29-8-87 submitted by Nalla Krishna to the Chief Geologist, S.C. Co. Ltd., Kothagudem.

Ex. M5/12-8-87—Complaint dt. 12-8-87 given by Y. Nagabhushanam, Acting Rigman against Nalla Krishna to the camp incharge, Yellander drilling.

Ex. M6/17/22-8-87—Enquiry Proceedings dt. 17/22-8-87.

Ex. M7/4-1-88—Enquiry Report dt. 4-1-88.

Ex. M8/10-10-87—Copy of the Notice dt. 10-10-87 issued by the Chief Geologist to Nalla Krishna with regard enquiry conducted by Enquiry Officer on 17-10-87.

Ex. M9/23-10-87—Copy of the Notice dt. 23-10-87 issued by the Chief Geologist to Nalla Krishna with regard to enquiry conducted by the Enquiry Officer on 29-10-87.

Ex. M10/1-9-87—Copy of the Show Cause Notice dated 1-9-87 issued by the Chief Geologist to Nalla Krishna.

Ex. M11/15-9-87—Copy of the explanation dt. 15-9-87 submitted by Nalla Krishna to the Chief Geologist, S.C. Co. Ltd., Kothagudem.

Ex. M12/12-8-87—Copy of the complaint dt. 12-8-87 given by Y. Nagabhushanam, Acting Rigman against Nalla Krishna to the Camp Incharge, Yellander Drilling.

Ex. M13/29-10-87—Enquiry Proceedings dt. 29-10-87.

Ex. M14/4-1-88—Enquiry Report dt. 4-1-88.

Ex. M15/22-2-89 by consent—Copy of the dismissal order dated 22-2-89 issued by the Director, Corporate Planning and Project to Nalla Krishna.

Documents marked for the Petitioner-Workmen :

NIL

नई दिल्ली, 4 अगस्त, 1993

का. आ. 1836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बहुला कोयलरी आफ मैसर्स ई सी एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, आसनसोल 4 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 3-8-93 को प्राप्त हुआ था।

[संख्या एल—22012/99/93-आई आर (सी) II]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th August, 1993

S.O. 1836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol-4 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bahula Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 3-8-1993.

[No. L-22012/99/93-IR-C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, ASANSOL

Reference No. 36/93

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Bahula
Colliery of M/s. E. C. Ltd.

AND

Their Workman.

APPEARANCES :

For the Employers—None.

For the Workman—Sri Bijoy Kumar, Representative of
the union.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 16th July, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/99/93-IR(C.II) dated 21-6-93 :

SCHEDULE

"Whether the action of the Management of North Jambad Unit of Bahula Colliery of ECL, P.O. Bahula, Dist. Burdwan, in denying to remove the anomaly in the pay fixation of Shri G. D. Goswami, Time Keeper, is justified? If not, to what relief the workman is entitled to?"

2. The Reference was received by this Tribunal on 28th June, 1993. After receipt of the Reference registered notice was sent to both the parties fixing 12-7-93 for filing written statement. The regd. notice was duly served upon the Vice-President of the union on or before 3-7-93 as it appears from the A/D Card. But none appeared on behalf of the union to take any step. On the other hand Sri Bijoy Kumar the Id. Advocate for the union was present on 12-7-93 and he has put endorsement on the order-sheet "no instruction". In such circumstances I find that the union is no longer interested to proceed with the case. So I have no other alternative but to pass a no dispute award. Accordingly a no dispute award is passed in this case.

N. K. SAHA, Presiding Officer

नई दिल्ली, 4 अगस्त, 1993

का. अ. 1837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डामागोरिया कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-93 को प्राप्त हुआ था।

[संख्या एल-22012/304/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th August, 1993

S.O. 1837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol 4 as shown in the Annexure, in the industrial dispute between the employers in relation to

the management of Damagoria Colliery and their workmen, which was received by the Central Government on 3-8-93.

[No. L-22012/304/92-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL ASANSOL

Reference No. 15/93

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the management of Damagoria
Colliery.

AND

Their Workmen.

APPEARANCES :

For the Employers—Sri P. K. Das, Advocate.

For the Workmen—Sri C. D. Dwevedi, Advocate.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 9th July, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/304/92-IR (C-II) dated the 25th January, 1993.

SCHEDULE

"Whether the action of the management of Damagoria Colliery in not regularising Shri Raghunath Prasad, Bhaglu Prasad, Ashu Mia in the post of Night Guard is justified? If not, to what relief is the concerned workmen entitled to?"

2. The case of the union in brief is that the concerned workmen Sri Raghunath Prasad, Haulage Khalasi, Bhaglu Prasad and Ashu Mia both Underground Loader of Damagoria Colliery have been working as Night Guard for the last six years. According to the norms of the company they ought to have been regularised in the post of Night Guard. The management agreed to regularise them as Night Guard in the conciliation proceedings. But ultimately declined to sign the memorandum of settlement.

A dispute was raised by the union. But the conciliation ended in failure. The matter was sent to the Ministry of Labour, Government of India and ultimately the Ministry of Labour has referred the dispute to this Tribunal for adjudication.

3. The management has filed written objection contending inter-alia that the claim of the union is not legally sustainable as the workmen did not attend the interview for their suitability test for the post of Security Guard. So the question of their regularisation in the post of Night Guard cannot arise. The management has also denied the other material averments of the written statement filed by the union.

4. It is the case of the union that the present workmen have been continuously working as Night Guard for the last six years. This claim of the union has not been denied by the management. Sri P. K. Das the learned Advocate of the management has urged before me that the workmen did not appear before an interview board for testing their suitability for the post of Night Guard. So they are not entitled to be regularised in the post of Night Guard. He has urged before me that for the selection in the post of Night Guard one is to pass through interview board. But as the present workmen did not do so they are not entitled to be regularised in the post of Night Guard. He has urged before me that it is a question of selection for the post by the Headquarter of the Security Department.

5. Now it is the settled position that if one man works continuously for 240 days in a particular post he is entitled

to be regularised in the same post. In the instant case I find that the present workmen have been working as Night Guard for the last six years to the satisfaction of the management. But the management has not regularised them though the management has regularised some other workmen who stood on the same footing. So I am unable to look eye to eye with Sri P. K. Das the Id. Advocate of the management. I find that in this case social and natural justice have been denied to the present workmen. So they are entitled to be regularised from the date when they were deployed in the post of Night Guard.

6. In the result I find that the action of the management in not regularising the following workmen is not justified. The concerned workmen shall be deemed to have been regularised in the post of Night Guard from the date when they were so deployed and will also get all consequential benefits from the date of regularisation.

1. Raghunath Prasad.
2. Bhaglu Prasad.
3. Ashu Mia.

This is my award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 4 अगस्त, 1993

का. आ. 1838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डामागोरिया कोलियरी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसंसोल-4 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-93 को प्राप्त हुआ था।

[संख्या एल-22012/297/92 आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th August, 1993

S.O. 1838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Ashansol-4 as shown in the Annexure in the industrial dispute between the employers in relation to the management of Damagoria Colliery and their workmen, which was received by the Central Government on 3-8-1993.

[No. L-22012/297/92-IR (C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : ASANSOL

Reference No. 14/93

PRESENT :

Shri N. K. Saha, Presiding Officer.

PARTIES :

Employers in relation to the Management of Damagoria Colliery,

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri P. K. Das, Advocate.

For the Workmen—Shri C. D. Dwevedi, Advocate.

INDUSTRY : Coal

STATE : West Bengal

Asansol, the 12th July, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute

to this Tribunal for adjudication vide Ministry's Order No. L-22012/297/92-IR (C-II) dated the 25th January, 1993.

SCHEDULE

"Whether the action of the management of Damagoria Colliery in not regularising Shri Nasiruddin Mia, Shri Laxmikant Roy, Sikandar Singh and Shri Rabi Karmakar in T/R job is justified? If not, to what relief is the concerned workmen entitled to?"

2. The case of the union in brief is that the present workmen were employed as Dyke Cutter in Damagoria Colliery and were getting piece-rated wages from the beginning. For the last six years they have been working as time-rated workers in different posts. The management has already regularised more than 100 piece-rated workers of different category in time-rated job on the basis of the norms prevailing in the company. All of them have completed more than 240 days in one calendar year as time-rated workers. So according to norms they are entitled to be regularised. But inspite of representation the management has not regularised them.

A dispute was raised on behalf of the union. The conciliation ended in failure. The matter was sent to the Ministry of Labour, Government of India and ultimately the dispute has been referred to this Tribunal for adjudication.

3. The management has filed written objection contending inter-alia that the question of regularisation from piece-rated to time rated category is to be decided by the competent authority from the Headquarters on the basis of vacancy, justification and policy of the company and on the basis of suitability of the workman. The claim of the union is misconceived one. The process of regularisation from piece-rated to time-rated is purely a policy matter. So the workmen are not entitled to get any relief in this case.

4. It is the case of the union that all the concerned workmen were piece-rated workers of Damagoria Colliery and they have been working as time-rated workers continuously for the last six years. The above claim of the union has not been denied by the management. Sri P. K. Das the Id. Advocate for the management has urged before me with all force that the claim of the union is nothing but claim of promotion. He has urged before me that question of such regularisation is to be decided by the competent authority on the basis of the vacancy, justification and suitability of the workman. He has further urged that for such fitness the workman must pass through Department Promotion Committee. On the other hand Shri C. D. Dwevedi the Id. Advocate for the union has cited the case reported in 1988 AIR (S.C.) page 1683 to show that regularisation is not promotion. As Annexure-B of the rejoinder the union has filed a copy of Circular which reads as follows :

"Conversion of PR workers to TR workers—The PRESENT NORMS of conversion from PR to TR is continuous service for 3 years in the substantive post with the requisite attendance of 190/240 days (ug. and surface respectively)."

On the basis of the above Circular the management has already regularised a good number of workmen. But the same has been denied to the concerned workmen.

So considering all the facts and circumstances of the present case I am unable to look eye to eye with Sri P. K. Das. I find that in the instant case social and natural justice have been denied to the present concerned workmen and they are entitled to be regularised from the date when they were so deployed.

In the result I find that the action of the management in not regularising the following workmen is not justified. The concerned workmen shall be deemed to have been regularised in the posts of time-rated workers from the date when they were so deployed and will also get all consequential benefits from the date of regularisation.

This is my award.

N. K. SAHA, Presiding Officer

नई दिल्ली, 4 अगस्त, 1993

का. मा. 1839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सरकार एस.सी.सी.एच. के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-93 को प्राप्त हुआ था।

[संख्या एल-22012/190/88. डी-IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th August, 1993

S.O. 1839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Government Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C Ltd. and their workmen which was received by the Central Government on 3-8-1993.

[No. 22012/190/88-D.IV (B)]

RAJA LAL, Desk Officer

ANEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-1.
Hyderabad, the 12th day of July, 1993
Industrial Dispute No. 30 of 1989

BETWEEN

Singareni Coal Mines Karmika Sangh P.O. Ramakrishnapur
—Petitioner

AND

The Management of Singareni Collieries Company Ltd.,
Ramakrishnapur Area-504301
—Respondent.

APPEARANCES :

M/s. G. Bikshapathy, G. Vidyasagar, N. Vinesh Raj,
Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates—
for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-22012/190/88-D.IV (B), dated 25-4-1989 referred the following dispute under Section 10(f)(d) and (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Singareni Collieries Company Limited, Ramakrishnapur and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., Ramakrishnapur Area in terminating services of Mohd. Fareeduddin, Lorry Driver, RK 5 Incline w.e.f. 22-5-86 and not paying, back wages with retrospective effect is justified? If not, to what relief the workmen concerned is entitled?"

This reference was registered as Industrial Dispute No. 30 of 1989 and notices were issued to the parties.

2. The brief contents of the claim statement filed by the petitioner-workman read as follows :

It is submitted that the petitioner-workman was appointed in the Company w.e.f. 20-3-1976 as temporary General Mazdoor and posted to Stores Depot. Thereafter he was transferred to RK-7 Incline as Acting Driver in 1977. Thereafter he was promoted as Driver and regularised in service. He was

given Grade-A in 1982. He has been performing his duties to the entire satisfaction of his superiors. That on 30-12-1985 he was in second shift and was engaged on Lorry No. 6748 to transport coal from R.K. 5 Incline to RKP 1 CSP. He has transported 5 trips of coal upto 8 P.M. In the 6th Trip, he could not unload the entire coal at CSP due to CSP Jam and due to oversight, he could not observe the same and kept the body in normal position. On return he stopped at RK 2 Incline filter Bed for taking tea. Then he found the coal in the body, then he went to nearby yard to dump the balance load and then his lorry was jammed there. In the meanwhile he developed severe stomachache. He has slept there only until the pain is reduced and with the help of workers he got the vehicle removed and returned to the mine at about 1.00 A.M. immediately, he reported the same to the Under Manager. It is submitted that the charge sheet dated 3-1-1986 was issued alleging that the workman has not dumped the coal at CSP R.K.P. 1 and returned to RK-5 Incline at about 2.00 A.M. with empty lorry with damages to it. The workman has submitted explaining the events on 30-12-1985 and denied the charges framed against him. Thereafter, a farce of an enquiry was conducted into the charges and ultimately the workman was dismissed from service by order dated 19-5-1986. The order of dismissal from service is illegal and arbitrary. The charges as framed against the workman are arbitrary and illegal. The Colliery Manager has no power or authority to issue charge sheet and initiate disciplinary action as he is not the appointing authority nor the disciplinary authority. The findings of the Enquiry Officer are illegal, arbitrary and run counter to evidence on record. He failed to appreciate the evidence given on behalf of the charge sheet workman and has come to conclusion that the charges framed against the workman are proved. The General Manager, RKP Area has not applied his mind to facts and circumstances of the case and mechanically passed orders dismissing the workman from service. He also failed to see that the workman was maintaining clean record of service although and there is no bad remark whatsoever. The dismissal order is illegal and arbitrary. It is submitted that the workman is facing severe financial difficulties and is unable to eke out his livelihood and could not secure any alternative employment in spite of his best efforts. It is submitted that the punishment of removal from service is too severe and shockingly disproportionate to the gravity of misconduct. It is prayed that the Hon'ble Court may be pleased to hold that the dismissal from service is illegal and arbitrary and consequently pass an award directing the management to reinstate the workman into service with consequential benefits.

3. The brief contents of the counter filed by the Respondent-Management read as follows :

The Management does not admit any of the allegations made in the claim statement except those specifically admitted herein. It is submitted that Mohd. Fareeduddin was working as lorry driver with the management and the lorry has been used for transport of coal. On 30-12-85 he was in II shift and was engaged on lorry No. 6748 to transport coal from RK 5 Incline to RKP 1 CSP. He had transported 5 trips of coal upto 8 P.M. It is not correct to say that in the 6th trip, he could not unload the entire coal at CSP due to CSP Jam and due to oversight he could not observe the same and kept the body in normal position. As a matter of fact he reached CSP RKP 1 with coal loaded lorry No. 6748 but had not dumped the coal at CSP RKP 1 and CSP premises also. The fact is that he did not stop at RK 2 Incline filter bed. There is absolutely no truth in his statement that he found the coal in the body and then went to nearby yard to dump the balance load during which the lorry was jammed. It is all false to state that he had developed severe stomachache and slept there only until the pain is reduced and with help of workers he got the vehicle removed and returned to the mine at about 1.00 a.m. Actually he reached CSP RKP 1 and

took trip sheet and waited for about 5 minutes. After seeing number of lorries parking at the bunker, even though the bunker was not jammed, instead of waiting for his turn there, he simply took a diversion and went to CCC RK 5 Colony with evil intention of selling it away. And while dumping the coal at CCC RK 5 colony in order to sell the coal illegally to some body, the lorry was damaged costing an amount of Rs. 1,850.00. When the lorry was not jammed at CSP I, the question of taking the help of workers to get vehicle removed does not arise at all. The development of stomach pain and he slept there until the pain is reduced is nothing but concocted story. The charge sheet dated 3-1-1986 was issued alleging that the workman had not dumped the coal at CSP RKP I and returned to RK 5 Incline at about 2.00 A.M. with empty lorry with the damages. As a matter of fact he admitted the offence committed by him voluntarily and he had assured that he would not commit any mistake in future and also pleaded that it was the first and last mistake and asked justice. It is baseless to state that a farce of an enquiry was conducted into the charges and ultimately the workman was dismissed from service by order dated 19-5-1986. Actually the enquiry was conducted quite fairly and petitioner had also participated fully in the enquiry and he was given full opportunity to cross examine the witnesses and he had cross-examined. It is incorrect to state that the Colliery Manager had no power or authority to issue charge-sheet and initiate disciplinary action as he is not the appointing authority nor the disciplinary authority. It is incorrect to state that the findings of the enquiry officer are illegal, arbitrary and run counter to evidence on record. It is incorrect the G.M. RKP area had not applied his mind to facts and circumstances of the case and mechanically passed orders dismissing the workman from service. It is not correct to state that the punishment of removal from service is too severe and shockingly disproportionate to the gravity of misconduct. Considering the seriousness of the offence committed by the Petitioner had resulted in heavy damage to company's property, the punishment awarded to him was not at all disproportionate and harsh. Reference as made may be rejected.

4. No oral or documentary evidence was adduced on behalf of the Petitioner-workman. Whereas on the Respondent-Management side, one MW-1 was examined and Exs. M-1 to M-18 was marked.

5. The point for adjudication is whether the Respondent-Management in terminating the service of Mohd. Fareeduddin. Lorry Driver, RK 5 Incline w.e.f. 22-5-86 and not paying back wages with retrospective effect is justified?

6. MW-1 is one V. V. S. N. Murthy. He deposed that he has been working in the Respondent-Company in different capacities since 1978 and now he is working as a Sr. Personnel Officer in Ramakrishnapur since 1985. He was appointed as Enquiry Officer to conduct the domestic enquiries against the workman in Ramakrishnapur Area by a general order dated 14-8-1985. Ex. M-1 is the photostat copy of the said order. He conducted the domestic enquiry against Sri Mohd. Fareeduddin, Lorry Driver who is the workman involved in this reference. The Management sent the relevant papers concerning this case to him to conduct the domestic enquiry. Ex. M-2 is the charge sheet dated 3-1-1986 issued to Sri Mohd. Fareeduddin. Ex. M-3 is the acknowledgement dated 6-1-1986 under which he received the original of Ex. M-2. Ex. M-4 is the explanation dated 7-1-1986 submitted by the workman. Ex. M-5 to M-10 are the notices of enquiry issued by the management to the workman. Exs. M-11 and M-12 are the two letters submitted by the workman to him requesting to postpone the enquiry. The workman attended the enquiry on 5-2-1986 and he started the domestic enquiry on that day. He explained the case to the workman in Telugu and informed him that he is entitled to take the assistance of a co-worker to defend his case and the workman brought one Sri Mohd. Janimiy, a co-worker of the workman to defend his case in the domestic enquiry. In all he examined 11 witnesses on behalf of the management. All 11 witnesses are cross examined on behalf of the workman. The workman examined himself and also examined another witnesses on his behalf and they were also cross-examined by the Management. He completed the domestic enquiry on 10-3-1986. The workman changed his co-worker to assist him on

28-2-1986 and brought one Sri Syed Shafulla another co-worker to defend his case and he was allowed to defend the case of the workman. The Management produced three documents during the course of domestic enquiry and the three said documents were marked by him on behalf of the Management during the domestic enquiry and the said three documents were Exs. M-13 to M-15. He obtained the signatures of the workman and his co-worker and the representative of the Management as the enquiry proceedings on all the dates on which the enquiry was conducted. He also signed on the enquiry proceedings on the said dates. Ex. M-16 is the enquiry proceedings consisting of 113 pages. He prepared his enquiry report dated 14-4-1986 and the said report is Ex. M-17. In his findings in Ex. M-17 enquiry report he found the workman Sri Mohd. Fareeduddin guilty of the charge levelled against him. After considering the report submitted by him, the Management dismissed the workman Sri Mohd. Fareeduddin from service, by its order dated 19-5-1986 and the said order is Ex. M-18.

7. The contention of the Petitioner-Workman is that he was in the second shift and was engaged on Lorry No. 6748 to transport coal from R.K. 5 Incline to RKP I CSP. He has transported five trips of coal upto 8 P.M. In the 6th trip, he could not unload the entire coal at CSP due to CSP jam and due to oversight, he could not observe the same and kept the body in normal position. On return he stopped at RK 2 Incline filter bed for taking tea. Then he found the coal in the body, then he went to nearby yard to dump the balance load and then his lorry was jammed there. He developed severe stomach ache subsequently he has slept there only till the pain was reduced and with the help of workers he got the vehicle removed and returned to the mine at about 1.00 A.M. Immediately, he reported the same to the Under Manager. On the other hand the contention of the Respondent-Management is that on 30-12-1985 the Petitioner was in II Shift and was engaged on Lorry No. 6748 to transport coal from RK 5 Incline to RKP I CSP. The Petitioner had transported five trips of coal upto 8 P.M. In the 6th trip, the petitioner could not unload the entire at CSP due to CSP Jam and due to over sight he could not observe the same and kept the body in normal position. The Petitioner reached CSP RKP I with coal loaded lorry No. 6748 but had not dumped the coal at CSP RKP I and CSP premises also. The fact is that the petitioner did not stop at RK 2 Incline filter bed. There is absolutely no truth in his statement that he found the coal in the body and then went to nearby yard to dump the balance load during which the lorry was jammed. A reading of the enquiry proceeding would reveal that the Petitioner-workman had actually gone with the lorry to the Bricks Kiln behind the CCC D-Type quarters are on 30-12-1985 in II Shift and unloaded the coal there. On investigation the Senior Inspector Sri P. Ramachandra Rao found there was a ditch of 4' depth and the bricks kiln. The Senior Inspector observed the lorry tyre marking and a big heap of coal in the ditch. The lorry was damaged because it was fallen in the ditch while dumping the coal there. The Management gave a complaint to the Police for further investigation Panchnama was made by the Police and permitted the Management to lift the coal from that place. Nobody had objected to the lifting of the coal and none of the people claimed the coal from the Management for return of coal. This clearly shows that the Petitioner-workman had secretly dumped the coal at the site of the kiln and there was no necessity for the Petitioner-workman to go to the CCC D-Type quarters area on 30-12-1985 in II Shift i.e. outside Company's area. It is the case of the Respondent-Management that there was damage to the Company's Lorry No. 6748 on 30-12-1985 in II shift. On investigation there was no scope for lorry jammed at that place because the level of the floor was equalled and there was neither mud nor ditch for causing damage to the lorry. Even on enquiry on 2-1-1986 by the Management-representative, in the presence of the Petitioner-workman, the Petitioner had not told anything but asked him to save from this mistake. I am of the clear view that the Petitioner-workman had committed fraud with the Company's property and dishonesty and also damage to Company's property. The Management was right in dismissing the Petitioner-workman finding guilty of charges under Clauses 16(2) and 16(9) of the Company's Standing Orders. I am therefore of the firm view that the Management was justified in dismissing the Petitioner-workman from service.

8. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Ramakrishnapur in terminating services of Mohd. Fareeduddin, Lorry Driver, RK 5 Incline w.e.f. 22-5-1986 and not paying back wages with

retrospective effect is justified. The Petitioner-workman is not entitled to any relief, in the circumstances of the case.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 12th day of July, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on MW-4—Sri V. V. S. N. Murthy, behalf of the Respondent/Management :

Witnesses Examined on behalf of the Petitioner/Workman : NIL

Documents marked for the Respondent/Management

- Ex. M-1/14-8-85—Photostat copy of the General Office order issued by the G.M., RKP to Sri V. V. S. N. Murthy, Personnel Officer appointed as Enquiry Officer.
- Ex. M-2/3-1-86—Copy of the charge sheet issued by the Colliery Manager to Sri Md. Fareeduddin.
- Ex. M-3/6-1-86—Acknowledgement with regard to receipt of the original of Ex. M-2.
- Ex. M-4/7-1-86—Explanation submitted by Md. Fareeduddin to the Colliery Manager with regard to charge sheet.
- Ex. M-5/29-1-86—Copy of the enquiry notice issued by the Colliery Manager to Md. Fareeduddin.
- Ex. M-6/12-2-86—Copy of the Enquiry Notice issued by the Colliery Manager to Sri Md. Fareeduddin.
- Ex. M-7/19-2-86—Copy of the Enquiry Notice issued by the Colliery Manager to Sri Md. Fareeduddin.
- Ex. M-8/22-2-86—Copy of the Enquiry Notice issued by the Colliery Manager to Sri Md. Fareeduddin.
- Ex. M-9/3-3-86—Copy of the Enquiry Notice issued by the Colliery Manager to Sri Md. Fareeduddin.
- Ex. M-10/6-3-86—Copy of the Enquiry Notice issued by the Colliery Manager to Sri Md. Fareeduddin.
- Ex. M-11/22-2-86—Letter submitted by Fareeduddin to the Enquiry Officer with regard to postponement of the enquiry.
- Ex. M-12/6-3-86—Letter submitted by Md. Fareeduddin to the Enquiry Officer with regard to postponement of the enquiry.
- Ex. M-13/30-12-85—Vehicle Log sheet slip.
- Ex. M-14/31-12-85—Photostat copy of the letter addressed by the Colliery Manager, R.K. 5 Incline to the A.T.O., RKP.
- Ex. M-15/2-1-86—Copy of the Complaint given by the Colliery Manager to Sr. Inspector with regard to Md. Fareeduddin, Lorry Driver.
- Ex. M-16/5-2-86—Enquiry Proceedings.
- Ex. M-17—Enquiry Report.
- Ex. M-18/19-5-86—Copy of the dismissal order issued by the General Manager to Sri Md. Fareeduddin.

नई दिल्ली, 4 अगस्त, 1993

का.प्र. 1840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सरकार एस.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-93 को प्राप्त हुआ था।

[संख्या एल-21012/79/87-डी-III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 4th August, 1993

S.O. 1840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Government Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., and their workmen, which was received by the Central Government on 3-8-1993.

[No. L-21012/79/87-D.III (B)].

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.
Dated, the 12th day of July, 1993
Industrial Dispute No. 56 of 1987

BETWEEN

The Workmen of S.C. Co. Ltd., Project Ramagundam Division, P.O. Godavarikhani, Dist. Karimnagar (A.P.) —Petitioner

AND

The Management of M/s. S.C. Co. Ltd., Project, Ramagundam Division, P.O. Godavarikhani, Dist. Karimnagar (AP) —Respondent

APPEARANCES :

Sarvasri G. Vidyasagar and N. Vinesh Raj, Advocate—for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, A. Visalakshmi, Advocates—for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-21012/79/87-D.III (B) dated 11-11-1987 referred the following dispute under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 between the Management of M/s. Singareni Collieries Company Limited, Project Ramagundam Division and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., (Projects), Ramagundam Division, PO Godavari Khani, Dist. Karimnagar (A.P.) in dismissing Sri Pulavani Kondiah, General Mazdoor, Open Cast Project from services w.e.f. 21-10-1986 is justified? If not, to what relief the workman concerned is entitled?"

The said reference was registered as Industrial Dispute No. 56 of 1987 on the file of this Tribunal. Notices were issued to parties.

2. The brief contents of the claim statement filed by the Petitioner-workmen. The Petitioner was appointed as General Mazdoor in the open cast mine at Godavari Khani in the year 1981. These are situated at a distance of about 10 Kms. from Godavari Khani Township Area. The workmen have to attend the Open Cast Operations by travelling the said distance from Godavarikhani. While so the petitioner was on duty on 30-9-1985 in First Shift. As he was not doing well, he left for his house after taking permission from overman. The Open Cast Project has its own security gate at the premises. After Security check the Petitioner started proceeding to residence on cycle. The petitioner has passed about 6 Kms. on the way 6-A Incline of the Company is situated. As the petitioner reached the said incline area, two Watchmen were caught hold of a boy and they were in

assaulting moods. Out of curiosity, the petitioner enquired the boy, why he is being harassed by the Watchmen. He was informed that the said watchmen were demanding bribe on the ground that he committed theft of a company property. While, the petitioner was discussing with the watchmen and enquiring as to why they are demanding the bribe, other passers by also joined the scene. In the meanwhile, the boy slipped away from the watchmen and ran away and he could not be caught. The said watchmen out of angry and grudge for having remarked at their behaviour of demanding bribe, forcibly took the petitioner in a lorry along with cycle to S. and P.C. Office. They took his signatures by force in the said office and asked him to go away. Thereafter the petitioner made protest with the officials immediately thereafter. The petitioner was issued with a charge sheet on 9-10-1985, alleging that the Petitioner was caught by S. and P.C. Watchmen while he was carrying conveyor belt pieces in a bag. It was also alleged that the Petitioner offered Rs. 25.00 to Watchman as bribe for releasing the material. The petitioner submitted explanation denying the charges. Thereafter a farce of an enquiry was conducted and ultimately, the petitioner was dismissed by proceedings dated 20-10-1985. It is submitted that the said dismissal order is illegal and contrary to the provisions of Company's Standing Orders. The charges are foisted against petitioner as he interviewed in the incident in which a boy was being harassed by the Watchman. The petitioner had travelled more than 6 Kms. from his work premises and he was never in possession any material, much less 3 Nos. conveyor belt pieces. In fact the petitioner was subjected to check after leaving the work spot and no material was found with petitioner. It is submitted that the petitioner not at all connected with the conveyor belts nor did he offer any amount to the watchmen. The charges were concocted and foisted against him. He has been maintaining clean record throughout service. The Petitioner did not commit any misconduct or irregularity in the course of his employment. In any event the severe punishment of dismissal from service is too severe and disproportionate to the alleged misconduct. Ever since the dismissal, the petitioner put to severe hardships and he could not secure alternate employment inspite of his best efforts. It is prayed that the Hon'ble Court may be pleased to hold that the order of dismissal passed by the Respondent is illegal, unjust, arbitrary and contrary to standing orders of the Company and consequently pass an Award directing the Respondent to reinstate the petitioner into service with back wages, continuity of service and other attendant benefits and pass such other award as deem fit and proper.

3. The brief contents of the counter filed by the Respondent-Management read thus :

The Respondent denies the various allegations made in the claim statement, except those are specifically admitted herein and the petitioner is put to strict proof of the same. It is true that the workman in dispute was on duty on 30-9-1985 in 1st Shift. He left the workshop at 8.45 A.M. The allegation that Open Cast Project is having its own security gate at its premises is not correct. Without prejudice to the rights of this Respondent it is respectfully submitted on 30-9-1985 one Sri Ravi Kishore Babu, Watchman, who was on duty in 1st Shift caught the workmen in dispute red handed while carrying away 3 Nos. of 15" x 1 1/2" long conveyor belt pieces in a bag without any authorisation or gate pass. When the Security staff questioned the workman in dispute he offered Rs. 25.00 as bribe for releasing the material. The watchman took him into custody and gave complaint immediately on 30-9-1985 to the General Manager (Project) Ramagundam. Basing on the said complaint the Respondent management issued a charge sheet to the workman on 9th October, 1985. On receipt of the charge sheet the workman gave an explanation on 11th October, 1985 denying the charges. As the management was not satisfied with the explanation given by the workman Sri Pulavani Kondiah, appointed Sri A. Potharaju as Enquiry Officer to conduct domestic enquiry. The Enquiry Officer was given a fair opportunity to the workman during the course of enquiry and followed the principles of natural justice. The workman in dispute Sri Pulavani Kondiah fully participated in the enquiry. Basing upon the findings forwarded by the Enquiry Officer and looking into the past record of the workman in dispute, the management has passed the order of dismissal on 20th October, 1986. The Petitioner has chosen to

give description of the alleged incident in the claim petition with certain concocted facts only to suit the petitioner's case. It is respectfully submitted that this petitioner attended duty on 30-9-1985 at Open Cast Mine, took permission and was returning home, between Godavarikhani Township and Open Cast Mine there is a distance of 12 Kms. and in between the Open Cast Mine and the Godavarikhani Township there is GDK 6 Incline (Underground mine). When the petitioner was passing this route he had already left the Open Cast Mine and while he was nearby GDK-6 Incline he was caught red-handed by security staff. As such the allegation that when he has reached GDK-6A incline he saw two watchmen, who caught a boy and they were in assaulting mood is false. The allegation that out of curiosity this petitioner enquired the boy while being harassed by the watchman is totally false. The further allegation he was informed that the said watchmen were demanding bribe from the boy on the ground that the boy committed a theft of Company's property is totally false. Infact the petitioner was caught red-handed and he tried to offer bribe to the watchmen and the security staff took serious objection of the same and reported to the Management and which resulted in issuing a charge sheet on 9th October, 1985. So the allegation that the boy slipped away and run off and other passers-by also joined in the scene is totally false. The very act of the petitioner is serious in nature and opposing to the public policy and contrary to the Standing Orders. As such the allegation that the dismissal order passed by the Respondent is illegal, unjust arbitrary and contrary to standing orders is incorrect. The allegation that the dismissal from service is too severe and disproportionate to the alleged misconduct is not correct. It is respectfully submitted that the order of dismissal passed by the Respondent is just and legal and the allegation that it is illegal, unjust arbitrary and contrary to standing order is not correct. As such the petitioner is not entitled to claim reinstatement into service or service with back wages, continuity of service etc. This Hon'ble Tribunal may be pleased to dismiss the petition.

4. No oral evidence have been adduced on either side. No documents were marked on behalf of the Petitioner-workman. Whereas Exs. M-1 to M-8 were marked on behalf of the Respondent-Management.

5. The point for adjudication is whether the Respondent-Management in dismissing Sri Pulavani Kondiah, General Mazdoor from service w.e.f. 21-10-1986 is justified?

6. At the very outset, I would like to mention that my predecessor passed a preliminary order on 7th October, 1991 holding that the domestic enquiry conducted in this case is not vitiated for any reason.

7. Since no oral evidence has been adduced on either side, this Tribunal has to decide the case on documentary evidence marked by the Respondent-Management. The first document is Ex. M-1. This Ex. M-1 is the report given by the Jr. Security Officer, S & P.C., Godavarikhani. This report shows that on interrogation Sri Pulavani Kondiah as admitted that he had given Rs. 25.00 to the watchmen and asked to leave him with the belt pieces. Ex. M-2 is the charge sheet dated 9-10-1985 issued to the Petitioner-workman. Ex. M-3 is the explanation dated 11-10-85 given by the Petitioner-workman to the Superintendent of Mines, Open Cast Project, Godavarikhani alleging that the allegation is false and baseless and given the facts of the case in detail. Subsequently a domestic enquiry was conducted. On the findings of the enquiry officer the Management passed the dismissal order dismissing the petitioner workman from service.

8. I perused the domestic enquiry proceeding file Ex. M-4. The statement of the Petitioner-Workman recorded in the domestic enquiry read as follows :

"I wish to state that on 30-9-1985 in 1st shift I was on duty upto 8.45 a.m. and I felt not well at that time. So I have taken permission from Overman and left my workshop by 8.45 A.M. approximately. While I was returning to my house near 6 Incline C.S.P. I saw one worker was requesting two watchmen to leave him. On seeing that I stopped there and started observing that scene. After some time that worker has given money to the Watchmen. Then I asked them why they have taken money when company is paying, following to catch hold of

the culprits and also told them that it is not correct to leave that worker by taking money. If you are having sympathy you leave him without taking money from him on that Sri V. Venkateswar Rao Watchman advised me to go away from that place and not to interfere with that case. Then I just passed for some distance and go on observing what is going to be happened. I found that Watchmen Sri Raghu Kishore Babu Watchman has taken money and one bag in the hands of Sri V. Venkateswar Rao. In the meantime one person with five watchmen mazdoors and Junior Inspector came to that 6 Incline C.S.P. By that time the worker who has given money and bag escaped from that place. Then these mazdoors have taken away my cycle and carried away in that lorry to G.M.'s office. As they have taken away my cycle, I too went to G.M.'s office in that lorry. Then the Watchman taken me to a room and enquired about my name, Father's name, designation and place of work. After that they have asked me to sign on a paper. I have signed on that. Then they have given me my cycle and after taking that cycle I left that place. I do not know what was happened after that. I do not know what was therein that bag and I am no way connected with that money as I have not given that money." A perusal of the reading of the above deposition by the Petitioner workman before the Enquiry Officer, when the Petitioner workman taken the belt pieces and when the Petitioner was at the G.M.'s office, the Respondent-Management should have taken the statement of the Petitioner-workman on the spot but since the Petitioner-workman being an illiterate person, the Management has taken his signature on some paper. The Management ought to have explain the contents of the paper and then taken the signature of the Petitioner-workman. This was not done by the Management authorities. When the Petitioner workman clearly explained in his explanation Ex. M-3 that when he stopped his cycle at the said spot and after hearing the matter from the boy he has questioned the Watchman as to how he could accept the bribe when he is paid by the Company to catch the thieves. While their discussion was going on the boy ran away leaving the bag and Rs. 25.00 with the watchman. I am unable to understand why the Watchmen kept quite when the boy ran away leaving the bag and Rs. 25.00. The Watchmen should have caught hold of the boy and produced him before the Security Inspector. Since the Petitioner workman involved in this incident, and when questioned the Watchman about their honesty, the watchman got angry and took the Petitioner-workman to the S & PC. Office. Whatever it may be, since the theft was a small piece of belt and it does not cost much, a lenient view may be taken in awarding lesser punishment like stoppage of back wages and the Petitioner-workman is entitled for reinstatement.

9. In the result, the action of the Management of M/s. Singareni Collieries Company Limited (Project) Ramagundam Division, P.O. Godavarikhani Dist. Karimnagar (A.P.) in dismissing Sri Pulavani Kondiah, General Mazdoor, Open Cast Project from service w.e.f. 21-10-1986 is not justified. The Petitioner workman is entitled to be reinstated into service but without back wages.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 12th day of July, 1993.

Y. VENKATACHALAM, Industrial Tribunal

Appendix of Evidence

Witnesses Examined
for the Management :
NIL

Witnesses Examined
for the Workmen :
NIL

Documents marked for the Management by consent

Ex. M-1/30-9-85—Complaint dated 30-9-85 given by Junior Security Officer, Service and Protection Corps

Department, Ramagundam Collieries, Godavarikhani to the General Manager (P) S.C. Co. Ltd., Ramagundam Division against Pullaveni Kondiah.

Ex. M-2/9-10-85—Charge Sheet dated 9-10-85 issued to P. Kondiah by the Head of the Department, S.C. Co. Ltd., Ramagundam Division and the same is acknowledged by P. Kondiah.

Ex. M-3/11-10-85—Explanation to the Charge Sheet submitted by Kondiah to the Superintendent of Mines, Open Cast Project, Godavarikhani dated 11-10-85.

Ex. M-4—Enquiry Proceedings.

Ex. M-5—Exhibits of Management at domestic enquiry and statement of P. Kondiah.

One Ten Rupee Note—No. B. 875527 Rs. 10-00

Three Five Rupee Notes No. 14 S 183866

No. 50B. 371866 Rs. 15-00

No. 36E. 636545

Rs. 25-00

Ex. M-6—Enquiry Report.

Ex. M-7/20-10-86—Copy of the Dismissal Order dated 20-10-86 issued to P. Kondiah by the Additional Chief Mining Engineer Open Cast Project RG.

Ex. M-8—Three pieces of conveyor belt.

Documents marked for the Workmen

NIL

नई दिल्ली, 5 अगस्त, 1993

का.प्र. 1841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक, के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-93 को प्राप्त हुआ था।

[संख्या एल-12012/171/88-डी. 3 (ए)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 5-8-93.

[No. L-12012/171/88-D 3(A)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

LD. No. 104/88

In the matter of dispute between :

Shri Ashok Kumar Mehta, Clerk, State Bank of India Badshahpur Branch, Distt. Gurgaon, through Dy General Secretary, S.B.I. Staff Association, 2124/2 Harisingh Nalwa Street No. 58, Karol Bagh, New Delhi-110005.

Verus

State Bank of India, Region No. III, New Delhi-110001

APPEARANCES :

Shri P. P. Trikha—for workman.
Shri P. K. Gupta—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/171/88-D-3(A) dated 28th September, 1988 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the dismissal of Shri Ashok Mehta Clerk from Bank's service w.e.f. 5-6-1987 by the Regional Manager, State Bank of India, New Delhi is valid, if not what reliefs the workman is entitled to?"

The brief facts of this case as stated in the statement of claim are that the workman was working as a clerk in Badshahpur Branch of the Bank and his work and conduct had been satisfactory. The Branch Manager of the said branch out of personal illwill gave a letter of charge sheet dated 21-2-86 to the workman. Enquiry was conducted by the management and according to the statement of the claimant enquiry was not fair and proper and the management had taken the decision only as a vindictive action against the workman. The workman had denied all the allegations/charges. The enquiry officer called upon the bank to produce its evidence but no witness was produced and the workman had no opportunity to cross-examine the bank witnesses. Only 19 documents Ex. P1 to P19 were produced and these documents were not proved. In view of the denial of the workman of all the charges the management witness produced evidence and afforded an opportunity to cross-examine the witness but no such thing was done and the workman punished on the charges without any evidence and without any opportunity to the workman to cross-examine those witnesses.

3. The Management in its reply alleged that the case was based on documentary evidence and all documents were produced by the management. A charge sheet was served on the workman for some acts of misconduct while he was working as clerk at State Bank of India Badshahpur branch. The workman had made four false entries in the pass book of Smt. Chameli Devi holding joint account No. 3946 thereby temporarily misappropriated Rs. 2500. The said amount was deposited in the account on 4-1-86 and was retained by the workman from 20-9-85 till it was deposited.

4. Similarly on 30-11-85 the workman accepted a sum of Rs. 2000 from one Shri Rajraj Singh for credit to his saving Bank Account No. B-784 and made false entry in the pass book of customer and misappropriated the amount himself. The amount was credited on 3-1-86 and from 30-11-85 to that date he had misappropriated the amount temporarily. A sum of Rs. 1000 was also unauthorisedly accepted from Kumari Madhu Bala for credit to her Saving Bank Account No. 6151 and the amount was deposited on 1-1-86. This was also temporarily misappropriated. In October, 1985 another sum of Rs. 1,000 was accepted from one Harkesh for depositing into Saving Bank Account No. 5073 but the same was deposited only on 3-1-86. It was another case of misappropriation for which he was charged. The last entry against the workman was that a sum of Rs. 2000 was deposited in the Saving Bank Account No. 2628 of Shri Lakshmi on 1-1-86 without disclosing any relation/connection with the depositor or advising the Bank any specific reason for this financial transaction. All these acts for which he was charged were acts of temporary misappropriation regarding which documentary evidence was produced and the enquiry officer came to the conclusion holding the workman guilty.

5. The workman in the case appeared himself as WW1 while the management examined R. C. Srivastava MW1 in support of its evidence.

6. I have heard representative for the parties and have gone through the record.

7. The main contention of the management was that the inquiry was fair and proper. The workman had furnished the image of the bank. The Bank being a financial institution and trustee of the public money could not afford such misconduct by its employees. Workman was given full

opportunity to defend himself and was also given personal hearing. The modus operandi of the claimant was that while working on the seat of Saving Bank as clerk he was accepting cash deposit from various customers and was making entries in their respective pass-books. After a lapse of considerable period he himself deposited the money in respective accounts by filling the saving bank pay-in-slips. These documents are on record and there was no denial of these documents by the workman in this case. The Enquiry was just, fair and proper and was given appropriate punishment by the competent authority.

8. The workman representative on the otherhand has urged that Shri R. C. Srivastava who appeared as witness of the management filed affidavit Ex. MW1/1 in which he stated that he had no personal knowledge of the case and was not posted at the material time when the workman was charge sheeted. In that situation he should not be a witness to the documents and the documents were not got proved from any handwriting expert in order to establish that the pay-in-slips were got entered by the workman himself or some one else. No witness was examined before the enquiry officer and as such enquiry was vitiated.

9. After having gone through the points urged by the representative for the parties before me I am of the view that purpose of enquiry is to go into details of the charges for which a workman has been charged. In this case reliance was only on documentary evidence and the workman had denied those documents but no handwriting expert was examined to compare the handwriting of the workman with the writing on these documents. Moreover, no evidence was produced before the Enquiry Officer and as such the workman had no opportunity to cross-examine any witness and just by seeing the documents placed on record by the management enquiry officer came to the conclusion about the guilt of the workman. Some evidence should have been produced before the enquiry officer and the workman should have been afforded an opportunity to cross-examine those witnesses when he had denied the allegations made in the charge sheet against him. A mere fact that some documents were placed on record they could not connect the workman with the charge framed against him. There is no doubt that the bank was a Trust for the public and that they deposit their money for deposit in their own account and not for mis-appropriation for the employees of the bank. As far as the enquiry was concerned I am of the opinion that the same cannot be said to be fair and proper and in this situation it is not disputed that the workman was working on the said seat and actually money was not deposited on the dates stated in the pass book of the customers. That there was something wrong done with the money of the customers and for that purpose the present workman cannot be exonerated. His responsibility due to his working on the said seat cannot be done away with and I hold him responsible for the act of misconduct but instead of giving him punishment of dismissal from service I order that the workman be discharged forthwith instead of dismissal but while discharging he be paid all the wages upto date treating the entire period as having been spent on duty for purposes of pension and other allied benefits. That could be sufficient punishment for the workman in this situation. Parties are left to bear their own costs.

23rd July, 1993.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 6 अगस्त, 1993

का.प्रा. 1842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, ऐरनाकूलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-93 को प्राप्त हुआ था।

[संख्या एल-12012/25/90 आई भार (बी-III)]
राजा लाल, ईस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 5-8-1993.

[No. L-12012/25/90-IR(B.II)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Friday, the 16th day of July, 1993)

PRESENT :

Shri M. V. Viswanathan, B.Sc., LL.B., Presiding Officer.

Industrial Dispute No. 8 of 1990(C)

BETWEEN

The Regional Manager, SBI Regional Office, Shanmugham Road, Broadway, Ernakulam, Cochin-682031.

AND

Shri M. B. Sasidhara Menon, House No. 9/1417, South Cherlai, Cochin-682002, Kerala.

REPRESENTATIONS :

Sri B. S. Krishnan,
Advocate, Ernakulam. ...For Management.

Sri K. M. Mohammed Ashraf,
Advocate, South House,
Cochin-2. ...For Workman.

AWARD

This Industrial Dispute was referred to this Court by the Central Government as per the Order No. L-12012/25/90/IR(B.II). The dispute is between the management of State Bank of India and the workman Sri M. B. Sasidhara Menon. The issue referred for consideration is "Whether the action of the management of the State Bank of India in not providing regular appointment as watchman/messenger to Sri M. B. Sasidhara Menon without any interview or screening procedure as per the award in I.D. No. 11/77 of the Industrial Tribunal Madras is justified? If not, to what relief the workman concerned is entitled?"

2. The workman filed claim statement stating as follows: The workman herein had worked as messenger for one day at the State Bank of India, Cochin Shipyard Branch. He had also worked as watchman for a period of 97 days in the State Bank of India, Ambalamedu. As per the award in I.D. 11/77 the Management had agreed to appoint all temporary employees irrespective of the number of days work in the bank prior to 31-12-1978. So the workman should have even appointed by the management as messenger/watchman. The Regional Office of State Bank of India, Trivandrum issued Circular to all branches requiring them to intimate the names of all persons temporary employed in their respective branches upto 31-12-1978. All the branch managers of the Management Bank furnished the names of the persons who had temporarily worked in their respective branches. The management bank has given appointment to such temporarily worked employees. Mr. Ravi had worked only a single day in the bank as a temporary employee. The management bank has given appointment to him in the bank. But Mr. K. Surendran who worked less than 15 days was also appointed as messenger in the Cochin Shipyard Branch of the Bank. But the workman herein was not appointed, though he was eligible to be appointed as messenger/watchman. He was not given appointment on account of the omission committed by the concerned branches. The workman is eligible in every sense to be appointed as messenger/watchman in the service of the management bank and as per terms of the consent award passed by the Industrial Tribunal, Madras in I.D. No. 11 of 1977. The action

of the management in not giving appointment to the workman as messenger/watchman is highly illegal. Hence he prayed for his appointment as messenger/watchman in terms of the consent award passed in I.D. No. 11/77.

3. The management filed counter statement contending as follows:

The reference is not maintainable. Sri M. B. Sasidhara Menon had worked in the Ambalamedu Branch of the State Bank of India as a temporary watchman, for a period of 89 days during October, 1974 to July 1975. He had also worked as a messenger for one day i.e. 23-10-1974 at the Cochin Shipyard Branch of the State Bank of India. The Industrial Dispute No. 11/77 was between the State Bank of India and the State Bank Staff Union. One of the issues referred for adjudication in that reference case was "whether the action of the management in stopping employment of 768 temporary employees who had not completed 240 days of attendance in a period of 12 months immediately preceding the termination of their services, is justified, if not, to what relief these workmen are entitled". A compromise award was passed in that case. Accordingly the said 768 temporary employees have to be offered employment by the bank. The workman herein did not claim appointment in the bank in the terms of the above award. The staff union also did not project the name of the workman as one of the employees covered by the award. The present claim of the workman is stale claim as he claim appointment for the first time only in June, 1987. So the action of the management is justified. The allegation that his name was omitted is not correct. He was finding fault with the management only for the purpose of cancelling his lapses. The workman was considered for appointment for a permanent employment and interviewed in 1985. But he was not found suitable. The case of the temporary employees was considered again and applications were called for by way of advertisement dated 1-8-1988. The workman submitted his application, but it was found that he was not eligible for being considered in terms of the said advertisement. The workman cannot raise any grievance against the management. Hence the management prayed for the dismissal of the claim put forward by the workman.

4. The material point for consideration is regarding the justifiability of the in action of the State Bank of India in not appointing the workman Sri M. B. Sasidhara Menon as Watchman/Messenger as per the award in I.D. No. 11/77 of Industrial Tribunal, Madras.

5. The evidence in the case consists of oral testimony of WW1 and WW2 and Exts. W1 to W15 and M1 and M2. No oral evidence was adduced from the side of the management.

6. The Point.—The workman herein Sri M. B. Sasidhara Menon had worked as watchman/messenger in the State Bank of India at their Cochin Shipyard Branch and Ambalamedu Branch. Exts. W1 to W3 certificates were issued by the Branch Managers of the respective branches. These certificates would show that he had worked as messenger at the Cochin Shipyard Branch of the State Bank of India on 23-10-1974, that he had worked as watchman for 97 days during the period from 23-12-1974 to 10-7-1975, that he worked as temporary watchman for 89 days during 1975. The fact that the workman herein was engaged as temporary watchman/messenger is admitted by the management bank. The definite case of the workman is that he is entitled for appointment as regular watchman/messenger in view of the award passed by the Industrial Tribunal, Madras in I.D. No. 11/77. Ext. M1 is the copy of the said award passed by the Industrial Tribunal, Madras in I.D. No. 11/77. The said I.D. was between the management of State Bank of India and the workmen of the bank represented by General Secretary of the Union. This award was passed in terms of the joint endorsement made by the management and the Union. The terms of the said award would show that on the date of the said award i.e. 4-10-1978 there were 768 temporary employees engaged by the management bank and they shall be offered employment by the management bank. In the counter statement by the management bank, it is categorically admitted that as per the terms of the award passed in I.D. No. 11/77 the said 768 temporary employees shall be offered employments by the bank. Thus it is crystal clear that, it was incumbent upon the management bank to offer

employment to the said 768 temporary employees mentioned in the said award.

7. It is an admitted fact that the workman herein was a temporary employee of the management bank at the relevant time. So he was eligible to get regular appointment as watchman/messenger in the service of the management bank. The management was well aware of the fact that he was engaged as a temporary watchman/messenger. So it was the bounden duty of the management bank to offer an employment to the workman herein. But the management failed to offer employment to the workman M. B. Sasidhara Menon. The contention of the management bank that the workman did not claim appointment in the bank in terms of the above award cannot be taken as a sufficient ground to justify the omission or laches on the part of the management bank in offering employment to the temporary workman. It is further to be noted that in June, 1987 the workman herein submitted an application before the management bank to get regular appointment as watchman/messenger by virtue of the award passed in I.D. No. 11/77. But the management bank did not consider the said application dated 9-6-1987. Ext. W6 is the copy of the said application dated 9-6-1987 submitted by the workman herein. So the management could have given appointment to the workman, at least after getting W6 is request for appointment. The further case of the management that the claim made by the workman in June, 1987 was a stale claim cannot be upheld. The evidence on record would show that the management had given appointment to other temporary watchman/messenger in 1985. Ext. W13 is such an appointment letter issued by the management to one Sri M. P. Sudhakaran. This letter is dated 8-8-1985. He has been examined in this case as WW2. He categorically deposed that he was given regular appointment in 1985 as per W13 appointment letter. He further deposed that he did not submit any application before the management bank to get such appointment. But the management gave him regular appointment without getting any application from him. So the evidence of WW2 is sufficient enough to discard the contention of the management that the claim put forward by the workman is a stale claim.

8. The award passed in I.D. No. 11/77 of Industrial Tribunal, Madras would show that the management has to offer employment to 768 temporary employees engaged by the management bank. The workman herein is one of the temporary employees employed by the management bank. The management has no case that the workman herein will not come under the said 768 temporary employees referred to in the award passed in I.D. No. 11/77. The management has also no case that they had already offered employment to the other 768 temporary employees mentioned in Ext. M1 award. So in the circumstance it can very safely be held that the action of the management in not providing regular appointment to M. B. Sasidhara Menon as watchman/messenger is highly illegal and unjustifiable. It is further to be noted that the workman was submitting applications before the management authorities for getting him regular employment in the service of the management bank. Exts. W7 to W11 documents would reveal the fact that the workman was requesting the management bank for getting a regular appointment by virtue of the award passed in I.D. No. 11/77 of the Industrial Tribunal, Madras. It is further to be noted that the workman herein was compelled to file O.P. No. 8608/88 before the High Court of Kerala to get his representation considered by the management bank. It is only after getting a direction from the Hon'ble High Court of Kerala, the management bank considered Ext. W6 application dated 9-6-1987 submitted by the workman herein. So these circumstances would show the irresponsible attitude shown by the management bank in the case of the workman herein. The evidence of the workman as WW1 would support his case regarding his right to get regular appointment as watchman/messenger. There is no contra evidence from the side of the management. It is pertinent to note at this juncture that there was no stipulation in Ext. M1 award to conduct any test, interview, or screening procedure before giving regular appointment to the temporary employees engaged by the management bank. It is to be noted that the management bank had engaged the workman herein as temporary watchman/messenger for a total period of 187 days. This would show that the workman herein is suitable and eligible to be appointed as regular watchman/messenger in the service of the management bank. Thus in all respects the workman

herein is entitled to get regular appointment to the workman is unjustified. If that be so, the workman herein is entitled to regular appointment as watchman/messenger.

9. In the result, the action of the management of the State Bank of India in not providing regular appointment as Watchman/Messenger to Sri M. B. Sasidhara Menon without any interview screening procedure as per the award in I.D. No. 11/77 of the Industrial Tribunal, Madras, is unjustified. So the management of the State Bank of India is directed to provide regular appointment as watchman/messenger to Sri M. B. Sasidhara Menon must be given regular appointment as watchman/messenger within one month of this award. An award is passed accordingly.

Ernakulam,
16-7-1993.

M. V. VISWANATHAN, Presiding Officer

APPENDIX

Witnesses examined on the side of Workman :

WW1—Sri M. B. Sasidhara Menon.

WW2—Sri M. P. Sudhakaran.

Exhibits marked on the side of Management :

Ext. M1.—Photocopy of Award of Industrial Tribunal, Madras in I.D. 11/77.

Ext. M2.—Photocopy of letter dated 17-2-89 from Management to workman.

Exhibits marked on the side of Workman :

Ext. W1.—Certificate dated 8-7-85 issued by the Management.

Ext. W2.—Certificate dated 19-7-88 issued by the Management.

Ext. W3.—Certificate dated 2-6-87, issued by the management.

Ext. W4.—Minutes of discussion dated 4-7-89.

Ext. W5.—Photocopy of letter dated 18-4-90 from Ashis Ben, M. P. addressed to Hon'ble Minister for Labour, Government of India.

Ext. W6.—Photocopy of letter dated 2-6-87 from workman to Management.

Ext. W7.—Copy of letter dated 23-10-87 to the Management.

Ext. W8.—Copy of letter dated 17-2-88 from the workman to the Management.

Ext. W9.—Copy of letter dated 28-3-89 from the workman to the Management.

Ext. W10.—Complaint submitted by the workman before Assistant Labour Commission (C), Cochin.

Ext. W11.—Conciliation report dated 23-1-90 of A.L.C. (C) Cochin.

Ext. W12.—Photocopy of judgment dated 1-11-88 in O.P. 8608/86-Y.

Ext. W13.—Photocopy of letter dated 8-8-85 from the Management to M. P. Sudhakaran.

Ext. W14.—Photocopy of letter dated 5-12-83 from the Branch Manager.

Ext. W15.—Photocopy of letter dated 30-6-83 from Management to Sri K. V. Vasu.

नई दिल्ली, 8 अगस्त, 1993

का.मा. 1843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे जोनल ट्रेनिंग स्कूल चन्दासी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-93 को प्राप्त हुआ था।

[सं. एल.-41011/3/85-डी. 2(बी) (पार्टे)]

[एल-41011/34/85-डी. 2(बी) (पार्टे)]

के. बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 5th August, 1993

S.O. 1843.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Uttar Railway Zonal Training School, Chandausi and their workmen, which was received by the Central Government on 5-8-93.

[No. L-41011/3/85-D.II(B)(Pt.)]

[L-41011/34/85-D.2(B)(Pt.)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 5/86 &

I.D. No. 26/89

In the matter of dispute between :

The General Secretary, Zila Trade Union Council, Muradabad,

AND

The Secretary, Uttar Railway Training School, Mess Canteen Karamchhari Union, Chandausi, Distt. Muradabad.

Versus

President, Mess Committee Uttar Railway Zonal Training School Chandausi, Zila Muradabad.

APPEARANCES :

Shri B. K. Paul—for the workmen.

Dr. Gain P. Sharma—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its order No. L-41011(3)/85-D.II(B) dated 30-12-85 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the President, Mess Committee Uttar Railway Zonal Training School, Chandausi, Muradabad terminating the services of 25 workmen with effect from 16-8-84 is justified? If yes to what relief the workmen is entitled to?"

"Whether the service conditions of all the workers of Mess, Committee should be in accordance with the service conditions of Railway workers. If yes, to what relief the workmen are entitled to?"

"Whether all the workers of Mess committee should be on par with industrial workers and given D.A. and bonus. If Yes, to what relief the workmen are entitled to?"

"Whether the President Mess Committee is justified in compulsory retiring Moti Ram, Safaiwalla, Choke Safaiwalla and Roop Ram Chapatiman from 31st July, 1984. If not, to what relief the workmen are entitled to?"

AND

The Central Government vide its order No. L-41011/34/85-D-2(B) dated 22-7-88 made the following reference also.

क्या मैसे समिति क्षेत्रीय प्रशिक्षण विद्यालय उत्तर रेलवे, चन्दासी के अध्यक्ष की अनुबन्ध 'ए' में लिखित 38 मैसे कर्मचारियों की सेवाएं समाप्त करने की कार्रवाई न्यायोचित है ? यदि नहीं तो कर्मकार किस अनुतोष के हकदार हैं ?

Since both the references have common question of Law and Facts, the same are being disposed off by a Common award.

2. In the statement of claim the workmen alleged that Northern Railway runs a Mess Canteen at Chandausi for supply of food to its trainee employees through a Mess Committee. The said Mess Committee is run accordance with the provisions of the Indian Railway Establishment Manual on similar grounds as applicable in the Administration of employees of non-statutory canteens for the welfare of railway staff. The railway administration controls the management of Mess Committee. The nature of job and the designation of the employees of the Mess Committee are cook, server, chapatiman, chakki mistri, cleaner, assistant cook, head cook whose nature of job are similar to the employees of the other statutory and non-statutory canteen run by Indian Railways who have been treated as railway servants in the matter of pay and allowances. The workmen of the Mess Committee are represented by Northern Railway Zonal Training School Mess Canteen Karamchhari Union, Chandausi which was affiliated to Zila Trade Union Council Moradabad. The number of the workmen under the Mess Committee was about 80 who perform permanent nature of work. The management of the Mess Committee has treated the employees as domestic servants subjecting them to sheer exploitation and to the policy of hire and fire depriving them of the wages and other privileges and benefits of service obtainable to the workers of the non-statutory and statutory canteens of Indian Railways to which the workmen of Mess Committee are entitled retrospectively from the date of their respective appointment. With the same object of ameliorating the terms and conditions of service and providing security of service to the workers under the Mess Committee, the Union served a charter of demands dated 24-7-84 which contained 15 demands and requested management for negotiate settlement of the demands. The management turned a deaf ear to the demands and instead started harassing and holding out threats to the activists of the Union in particular and to the other members in general. The management victimised Choke Lal, Roop Ram and Moti Ram by retiring them compulsorily in an illegal and wrongful manner. The Secretary of the union protesting over the aforesaid harassment and victimisation served a notice dated 7-8-84 on the management informing the programme of agitations. The workmen started agitation and the management heartlessly disregarded the voice of the agitating workers the management declared lock out and in order to frustrate the struggle adopted divisive and questionable methods. The workers were forced to sign cyclostypled letters of apology as per draft of the management and at the same time orally terminated the 25 workers w.e.f. 16-8-84 whose particulars are given below :

No.	Name	Date of appointment
(1)	(2)	(3)
1.	S/Shri Chander Pal	27-8-85
2.	Kedar Singh	20-3-73
3.	Chotey Lal	24-7-72
4.	Heera Singh	13-11-73
5.	Bankey Lal	14-3-72
6.	Raghuwar Dayal	6-10-76
7.	Sukh Pal	1978

(1)	(2)	(3)
8.	Ram Chander	10-10-70
9.	Leela Dhar	22-5-72
10.	Raghuveer	20-7-72
11.	Naubat Ram	1-6-62
12.	Shabbiul Hassan	10-3-78
13.	Bhupal Chowdhary	23-12-56
14.	Dallu	1-1-62
15.	Amar Singh	14-3-72
16.	Munna Lal	26-4-73
17.	Virendra Singh	1-4-64
18.	Trimohan Dutt Tewari	12-12-67
19.	Ram Swarop	13-12-67
20.	Nekash	22-5-72
21.	Prasadi	1-5-79
22.	Jawahar	12-5-79
23.	Banwari	13-11-72
24.	Krishana Behari	14-12-67
25.	Prem Kishore	11-10-73
26.	Shri Ram and 37 others.	

Many workers signed the cyclostyled apology letters on the instructions of the management. All the workers thereafter restored courage and submitted a joint memorandum to the management revoking the forced apology, and demanded justice. At this the management turned extremely revengeful, issued the notice dated 25-9-84 threatening such workers with the removal from service 25 workers whose services were terminated on 16-8-84 submitted letters by registered post and under certificate of posting for allowing them to resume their duty but those letters were not accepted by the management, industrial dispute was raised before the ALC(C), Dehradun who held conciliation proceedings which failed. The termination of the 25 workers were illegal and wrongful on the grounds that there was violation of section 25-F and 25-G of the I.D. Act. Retrenchment was uncalled for. Terminations were mala fide and vindictive. The workers were of the mess committee and were entitled to D.A. and Bonus etc. as admissible to permanent employees of the railway. Compulsory retirement of the 25 workers were illegal and the termination was arbitrary and colourable exercise of power.

3. The management in its written statement alleged that the management was not covered under the definition of the word 'Industry' under section 2JB of the I.D. Act. The canteen is being run on profit no loss basis. Messing arrangement of the Zonal Training School Chandausi was done by the trainees themselves through the Mess Committee and the majority members of the same comprised of the representatives of the trainees, Principal and the Vice Principal were ex-officio President, and Vice-President respectively. The mess servants are neither railway servants nor canteen employees. They were like domestic servants. The entire expenditure of the messing including that for fooding to the trainees, pay and other facilities to the messing staff and related expenditure are met with from the allowance of the trainees which is fixed as Rs. 13 per trainee per day. Mess committee was not a canteen but mess workers were merely domestic servants and had nothing to do with the railway department. On merits management in parawise reply denied the entire allegations made in the statement of claim and reiterated that the railway administration was not managing the committee and the said food arrangements were being done by the trainees where there had been no harassment of the employees Chokhe Lal, Roop Ram and Moti Lal had already attained the age of 58 years and they were not affected because of the ill-health and could not render appropriate and effective services to the trainees. Besides their conduct has also not been good as per reports available in the records. The Mess Committee has taken the action in the moral cause and there has been no new harassment on any count whatsoever. There has been strike by the mess workers because of which even police shelter was sought by the President of the mess committee to avoid any mishap within the premises of the Institution and the mess committee was not an industry and was not obliged to comply with the provisions of the I.D. Act, 1947. The domestic

servants as workers were not appointed by the railways and were not covered by any railway rules and the conditions and terms of their service covered and regulated by the rules framed by general body of the mess committee. As before Institution was meant for training of the trainees and were engaged in the private capacity. Dealers and are not paid out of the revenue of the Railway.

4. The management examined Shri Manmohan Mal Singhvi, MWI and Chander Pal workman WWI appeared on behalf of the workman.

5. I have heard representative for the parties and have gone through the record.

6. The representative for the management has justified its stand on the following grounds :—

1. Mess Committee not an "Industry" on account of being covered within the ambit of amended section 2(j) of the Industrial Disputes Act, 1947.
2. Canteen being a separate institution, it has nothing to do with Railway and its establishment at Chandausi.
3. Employees of the Mess Committee are only domestic servants and have nothing to do with Railway and its establishment.
4. Mess Committee and the employees employed therein, namely workman concerned are not at par with the statutory or non-statutory Canteen employees.
5. In addition to above, the management relies upon the judgement of the Supreme Court in All India Railway Institute Employees Association Vs. Union of India (1990) 2 SCC 542 (C.P.P. No. 1389/87 decided on 27-2-90).

The representative has urged that the canteen is run for the sole benefit of the trainees and with their money. The Railway has nothing to do with the canteen and has no control of supervision or financial involvement. As such the employees are not Railway Employees.

Section 2(J) of the I.D. Act has not been amended since the President of India has not given his assent to the proposed amendment so far and the proposed amendment has not become law so far.

The Mess Committee is very much an 'Industry' in terms of 2(J) of the I.D. Act. The Principal and the Vice-Principal who issue notices, termination orders, charge sheets etc. are nothing but railways employees. The exercise due supervision and control over the work of the employees.

The workman are not domestic servants but employees of the mess committee and are like any other employees of the railways. The Hon'ble Supreme Court of India in All India Railway Institute Employees Association Vs. Union of India (1990) 2 SC 548 held as follows :—

"The Canteen are invariably a part of the establishments concerned. They are run to render services during the hours of work since the services, by their very nature are expected directly to assist the staff in discharging their duties efficiently. The lack of canteen facilities is ordinarily bound to hamper and interfere with the normal working of the staff and affect their efficiency. The importance of the services rendered by the Canteen to the staff in the day-to-day discharge of their work, therefore needs no further emphasis suffice it to say that the Canteen services are today regarded as a part and parcel of every establishment. So much so that they have been made statutorily mandatory under the Factories Act, 1948 in establishments governed by the said Act where more than 250 workers are employed. The Canteen services are thus no longer looked upon as a welfare activity but as an essential requirement where sizeable number of employees work. That is why, even The Railway administration has by its Establishment Manual made a provision for Canteen even where the Factories Act does not apply and has laid down procedure for their registration and approval and for extending to them almost the same facilities and monetary assistance as in the case of the statutory Canteen.

On merits the management has led no evidence. The termination of the service of the workmen was wrong and illegal in the circumstances of the case. It was unfair labour practice and as such the workman were liable to be reinstated and were also entitled to all facilities which the regular railway employees were getting including D.A. etc. The retirement of Moti Ram and Roop Ram were not justified.

On careful perusal of the points urged before me, I am of the view that there is sufficient force in the points of the management representative.

1. That as per Section 2(j) (ka) "Industrial Establishment or Undertaking" means an establishment or undertaking in which any industry is carried on. But, since in this case, it is only training of a mess for the trainees benefits who come from various places to attend the institution for training purpose only and they directly contribute for the messing out their allowance given to them by the Department. Actually, there has been no restriction on the part of the trainees even to have their food from outside out of their allowance. However, in order to make more effective control of food in the interest of work a Mess on cooperative basis under the direct control of the trainees is being run not here alone, but everywhere wherever there are some such institutions or other training or educational institutions. Hence the persons employed by the ex-officio President Mess Committee being the head of the training institutions were only to assist for the procurement and cooking of the food for the benefit of the trainees on no profit no loss basis so that the trainees are not over burdened and they could attend to their training part independently without any obstruction.

2. The messing arrangements of Zonal Training School Chandausi is done by the training themselves through the Mess Committee the majority members of which comprise of the representatives of the trainees. The principal and the Vice-Principal are ex-officio President and Vice-President respectively. The mess servants are neither railway servants nor canteen employees. They are like domestic servants. The entire expenditure of the messing, including that for fooding to the trainees, pay and other facilities to the messing staff and related expenditure are met with from the allowance of the trainees which is fixed as Rs. 20 per trainee per day deducted from the travelling allowance of the trainees and payment of Rs. 11 only per day per trainee from the new entrant. With these meagre resources, the Mess Committee was arranging fooding to the trainees giving maximum possible facilities and wages to the Mess workers. Increase in the wages and other facilities as far as possible were made from time to time. The Mess Committee is purely a private body and it is not getting any aid or subsidy from the Railway and it is not an Industry. The mess workers are the servants of the Mess committee and they are not at par with the statutory or non-statutory canteen. The mess servants of Zonal Training School/Chandausi are not directly or indirectly employed by the Railway.

3. Whereas besides under Section 2(j)(b)(7) in domestic service as such the Mess Committee workers are exempted firstly because of the domestic service and secondly because of educational training institution for the trainees.

In accordance with the law relating to services and dismissals, the domestic servant definition is as under:—

"(i) A domestic servant was originally considered as one who is attached to the residential establishment of the master. The more modern view is that the word "Domestic" is descriptive of the nature of the work undertaken by the servant and not of the place of his work. Thus, there are sweepers, cooks, watchmen attached to the officers, factories docks etc. (say in canteens) in the same way as they are attached to residential premises.

(ii) Whereas the railway servant means a person who belongs to a service or holds a post under the administrative control of the railway board persons lent from a service or post is not under the administrative control of the Railway Board a servant or post which under such administrative control do not come within the scope of this definition"

4. Further since messes run for the benefit of the trainees as individuals and not for the railway administration, it cannot be held that employees of the mess are employees of the Railway. The messes are purely voluntary organisation run by the trainees for their benefits and the railway administration cannot be made responsible or liable for the employees welfare in any manner. The posts of mess workers are not created by the Railway. The conditions of service of posts are governed or regulated by the rules framed by the General body of the mess

5. That the posts of Mess workers are not created by the Railways, the conditions of service of posts are governed or regulated by the rules framed by the Central Body of the Mess and not by the Government, as aforesaid. In regard to the Railway Employees, the recruitment rules/procedure covering of the recruitment of Class IV employee are at Annexure-4, wherein it is specifically mentioned that an employment notice indicating the total number of vacancies reserved for Schedule Caste/Schedule Tribes, scale of pay, qualifications prescribed etc. as well as the last day for receipt of applications should be prepared in due time and issued to Employment Exchange within the requirement unit and to the Associations of SCs/STs show that adequate publicity is given with a view to attracting local candidates. Copies should also be exhibited on notice boards outside Railway Offices.

6. That the selection Board shall consist of two railway officers and an outsider who shall be a gazetted officer of integrity. Head Master of a High School or Principal of a College. The Third member should be a member of SC/ST community [F(NG)(iii) RRI/3 10-3-79]. The railway officers will be an APO and an assistant officer of the branch concerned. The applications will be screened by the APO or any or any other officer or a committee of officers nominated for this purpose and not by the selection Board. Interviews shall be conducted by the selection board. Thereafter of appointments are issued after adopting regular procedure as per Recruitment Rules for employing class IV Staff in Railway. It may be pertinent to mention here that before letters of appointment are issued to the candidates reference should be made to the civil authorities to verify the character and antecedents of the candidates. On receipt of the same, the appointment orders be sent as per panel position and according to the number of vacancies arising. The letter of appointment should be signed by the competent appointing authority (an APO or the Assistant Officer of the department concerned) over his official stamp and not 'for any higher authority, like' for DRM(W), or for 'DRM/P'. A reasonable time for joining should be afforded to the candidates.

7. Since training and research institutions are exempted from the Industry in accordance with the rules and administration as prescribed by the Government. It hardly falls under the purview of the Industrial Disputes Act, 1947.

8. In accordance with the Railway Board's decision No. (Rly Board's letter No. F (LWA)/65/AT/AD/1-6 of 21-7-1965) and letter dated 9-2-1965 it is quite evident railway schools and Railway Training Schools are not covered under the Provisions of Industrial Disputes Act. (Rly. Board's letter No. F(LWA)/65/AT/AO/1-6 of 21-7-1965) and the Railway Board's letter dated 9-2-1979 makes it clear that IRISSET Mess is to be run as a corporate mess by the trainees and, if necessary engagement or a private contractor for supply of food may also be considered (As per Annexure).

9. It has been brought to notice that every employee appointed to the Mess is appointed by the President of the Mess and not by the Principal of the Institute. The conditions and terms of service and other rules and regulations governing service condition of the employees of the Mess are governed by rules called 'Rules Regulating the Conditions of Service of employees of IRISSET Mess run by the Mess Managing Committee of Hostel Nos. its 2'. The conditions of employment service are governed purely by these rules. Thus it is clearly established that the appointment of the employees is not by the Railways but by the President of the Mess Committee and that one of the Rules governing the Railways employees are applicable at all to the applicants.

10. That in regard to the Mess at Chandausi, any training Institute, it is being run for the trainee by the Mess Committee under the control of the trainees, and never by the Northern Railways, and the trainees controlled the management of the Mess through their own contribution or from the allowances given by the Railway Department. The Mess Committee is not governed by the Railways Authorities. The employees only act as domestic servants and they have never been recruited in accordance with the Railway Recruitment Rules. Hence, they are not at par with the Railway Staff. The Mess is run on no profit no loss basis and it is entirely a domestic affair. Since the Mess workers are only domestic servant under the management of the Mess Committee, hence it is within the jurisdiction of the Mess Committee to control and penalise them in case of default or misconduct. The misconduct of the Mess worker in an institution for the trainees, cannot be tolerated. For proper discipline, the action has to be taken against the defaulters in the interest of work and proper management of food for the trainees. In order to maintain the discipline in an institution disciplinary action, if any, against the defaulter because of misconduct etc., is within the jurisdiction of Mess Committee.

11. That besides the above, there is a Supreme Court judgement also which clearly indicates non-statutory Non-recognised Canteens/Messes. An extract of the Supreme Court Judgement dated 27-2-90 in regard to Writ Petitions No. 2273-80 of 1982; wherein it is specifically stated that the workers engaged in the canteens/Messes are not entitled to claim the status of the railways servant. Here in this case, they are the employees of the Mess being run normally on contract and sometimes on Daily-wages and in order to avoid inconvenience to the trainees and for proper and regular management with a view to avoid any interruption in the functioning of the Mess. These are run on no profit and no losses basis by the trainees themselves. The Mess is run by the private contractors and there is no continuity either of the contractor or the workers engaged by the contractor. No rules whatsoever are applicable to the recruitment of the workers and their service conditions. The Mess is run more or less on ad-hoc basis. In the circumstances, the workers engaged in the Mess are not entitled to claim the status of the Railway servants, as they have never been recruited by the Railway Department under their Recruitment terms and conditions. It may be stated that no appointment letter has been issued by the Railway Department to any of the employees, besides it is to be noted that the employees are not governed by the rules applicable to the railway employees. Thus, it is clearly established that the appointment of the employee is not made by the Railways but by the President of the Mess Committee and that none of the rules governing Railway employees are applicable at all to the applicants.

12. Since Mess is run for the benefit of the Railway Administration the employees of the Mess are employees of the Railway. This decision has obviously no application to the instant case as it is one rendered under the Industrial Disputes Act and not for determination whether the employees are holders of civil posts as in the instant case. Further since Mess is run for the benefit of the trainees as individuals and not for the Railway Administration it cannot be held that employees of the Mess are employees of the Railway. The letter dated 9-2-1979 confirms that the Mess is purely a voluntary organisation run by the trainees for their benefit and Railway administration cannot be made responsible or liable for the employees welfare in any manner.

13. The appointment and conditions of service of the applicants are governed wholly and solely by the Mess Committee or the President of the Committee. Thus, it is clear that the employees of the Mess do not hold civil posts under the union and as such this Tribunal has no jurisdiction to entertain the present applications whereby the applicants seek to ventilate their grievances.

14. That the Honble Judge (DB) have already taken the view in original application No. 315-316 of 1981 of Central Administrative Tribunal, Hyderabad Branch at Hyderabad in respect of IRISSET Mess Bharatiya Karmika Sangham Vs. Railways, where it is quite clear that the employees of the Mess are employees only of the Mess and they do not have the status of a Railway Employee under the Railways, under any circumstances.

The present claim filed by the employees of the Mess Committee is not based on facts and figures. They do not become Railway employees by any stretch of imagination. Their mode of recruitment etc. all leads to this conclusion only.

They have never been recruited by the Railway Board in accordance with the Railway Board decisions. Besides in accordance with the judgement by Hon'ble Judge (DB) of the Central Administrative Tribunal Hyderabad, delivered on 12th May, 1987 at Hyderabad it clearly indicates that no funds are being contributed or given by the Railway Administration for running the Mess. The fact is that the Railway contributed towards capital investment viz. Crockery, Cutlery etc. will not necessarily render the Mess at Railway establishment. The conditions and terms of service and other rules and regulations governing the service conditions of Mess domestic servants of zonal Training School Mess domestic servants of Zonal Training School Mess Committee, are approved by the managing committee, wherein are representative of the managing committee are the Trainees only. The conditions of the employment service are governed purely by these rules. It is quite evident and established fact that appointment of the Mess domestic servants is not made by the Railway but only by the President of the Zonal Training School Mess Committee and that none of the rules governing the railway employees are applicable to the Mess domestic servants. Mess domestic servants post are not created by the Railway nor these are being abolished by the Railway. The condition of services of the posts are governed or regulated by the rules framed by the General Body of the Mess Committee. The duties of the domestic mess servants are only for the benefit of the trainees in their private capacity salaries are not paid out of the revenue of the Railway. The appointment and conditions of the service of the Mess Domestic servants are governed by the Mess Committee only.

As a result of my discussion above, I am of the opinion that the act the management is fully justified and the workman are not entitled to any relief. Parties are left to bear their own costs.

Dated : 30-7-1993.

GANPATI SHARAMA, Presiding Officer

नई दिल्ली, 6 अगस्त, 1993

का.ग्रा. 1844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ इंजीनियर (डब्लू जेड) सी पी डब्ल्यू डी, बंबई के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-93 को प्राप्त हुआ था।

[सं. एल-42012/7/86-डी. 2 (बी) (पी टी)]

के. वी. बी. उष्णी, डैस्क अधिकारी

New Delhi, the 6th August, 1993

S.O. 1844.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer(W2) CPWD, Bombay and their workmen, which was received by the Central Government on 5-8-93.

[No. L-42012/7/86-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY.

PRESENT :—

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-1/101 OF 1990

(Original Reference No. CGIT-1/18 of 1987)

PARTIES :—

Employers in relation to the Management of
Chief Engineer (WZ), C.P.W.D., Bombay

AND

Their Workmen.

APPEARANCES :—

For the Management : Shri B. M. Masurkar,
Advocate

For the Workman : Shri M. B. Anchan, Advocate

INDUSTRY : C.P.W.D. STATE : Maharashtra

Bombay, dated the 9th day of July, 1993

AWARD

By order dated 12th May 1987 the Government of India, Ministry of Labour, New Delhi made this reference to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947.

“Whether the action of the Chief Engineer (West Zone) CPWD Bombay in relation to his office of the Spudtg. Surveyor of Works (WZ) at Bombay in terminating the services of Shri B. Y. Sadamasta, a peon w.e.f. 2-5-1983 is legal and justified. If not, to what relief and from what date, the workman concerned is entitled to?”

2. My learned predecessor passed the award in December, 1988 granting the relief asked for by the workman. The Workman was asked to be reinstated in services as a Peon in the office of the Superintendent of Surveyor of Works (WZ) at Bombay and pay him full back wages. The workman is to get the remuneration less the amount paid to him in the past from 21-5-1983 onwards.

3. The management however, challenged this award by filing a Writ Petition No. 518 of 1989 before the Central Administrative Tribunal. The C.A.T. by its judgement dated 23-11-1990 set aside the award passed and remanded the matter back to the Tribunal for giving a fresh decision on merits after giving opportunities to produce evidence. One of the contentions raised before this Tribunal and the Central Administrative Tribunal by the Chief Engineer, Western Zone was that, it was not an industrial dispute within the meaning of section 10(1)(d) of the Industrial Disputes Act 1947. The C.A.T. was of the view that the parties should produce additional evidence before this Tribunal on this point, and this Tribunal should try this aspect of the matter afresh.

4. When the matter came up before this Tribunal again after remand, the applicant has filed a statement.

5. He has stated herein that he has been appointed on regular basis as a Peon with effect from 4-2-1993 in the office of the Executive Engineer CPWD, Bombay and he further state that he wants to withdraw his claim on the basis of the appointment and also gives up his claim for back wages and continuity of service. In view of this, he applicant does not want to press his claim and gives that up specifically. The learned counsel appearing for the applicant and the management have no objection to it. In view of this, the Award is accordingly passed.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 6 अगस्त, 1993

का.प्र. 1845.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंधक निदेशक, बी.आई.एस.एल., बदरावती-577301 के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम लेबर कोर्ट, बंगलौर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-93 को प्राप्त हुआ था।

[सं. एल.-29012/15/90-आई आर (द्विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New the 6th August, 1993

S.O. 1845.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, BANGALORE as shown in the Annexure in the industrial dispute between the employer in relation to the management of V.I.S.L. and their workmen, which was received by the Central Government on 5-8-93.

[No. L-29012/15/90-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated this 30th July, 1993

PRESENT :—

Sri M. B. Vishwanath, B.Sc., B.L., Presiding Officer

CENTRAL REFERENCE NO. 52/90

The General Secretary, V.I.S.L. Workers' Association
Bhadravathi-577 301—I party
V/s.

The Managing Director, V.I.S.L., Bhadravathi-577 301—II party.

AWARD

In this reference made by the Hon'ble Central Government by its order No. L-29012/15/90/IR (Misc.) Dt. 17th Sept., 1990 under Sec. 10(2A) (1)(d) of I.D. Act the point for consideration as per schedule to reference is :

"Whether the management of VISL, Bhadravahi is justified in making Sri Basavarajappa, a substitute helper in VI grade to work in a clerical cadre in IV grade and paying wages in the lower grade from 1985 to Jan. '90 without considering his case for regular absorption. If not, to what relief is he entitled?"

2. The sum and substance of the claim statement is that the II party is not justified in making I party workman Basavarajappa, a substitute helper in VI grade to work in a clerical cadre in IV grade and paying him wages in the lower grade from 1985 to January 1990 without considering his case for regular absorption. His further case is that the II party is not justified in not considering his case for regular absorption.

3. In the counter statement the II party has justified its action. It is stated in the counter statement that the II party is justified in posting the I party workman in the vacancy of typist-cum-clerk on his own grade and pay viz., VI grade as per the undertaking given by him. It is further stated that in view of this, the I party cannot be considered for regular absorption.

4. It will be presently clear why I have not thought it fit to summarise the pleadings at length.

5. On 1-7-91, in the order sheet, it is stated that point for decision is covered by the schedule to reference and no separate issue is required.

6. On behalf of the I party, the Gen. Secretary M. Selvaraj was appearing. He has appeared before this Tribunal on a number of occasions. On 3-9-92, on behalf of the I party Vice President of the Association Muddukrishna Reddy was present. On this day M.W. 1 Govindarajulu, Dy. Personnel Manager was examined in chief and cross was deferred at request of the Vice President Muddukrishna Reddy. After 3-9-92 a number of adjournments have been granted to enable the I party to cross-examine M.W. 1. But nobody was there to represent the I party workman till 14-6-93. On 14-6-93, the new Gen. Secy., of the Association Mr. Byrappa Gouda was present. Subsequently he was also not representing the I party. Since the interests of a workman are involved, this Tribunal issued a registered notice to Sri Byrappa Gouda to come and cross-examine M.W. 1. Even then neither the I party workman nor anybody on his behalf was present. Under these circumstances the cross-examination of M.W. 1 who was present on 30-7-93, has been taken nil. The II party's Advocate closed his case. The I party's side was taken closed. There is no evidence on behalf of I party. The case was posted for award.

7. M.W. 1 Govindarajulu, Dy. Personnel Manager of the II party has stated in his evidence that he is

the whole custodian of the Establishment of Service and Maintenance Section of II party. He has stated I party workman was appointed as casual labourer on 14-8-78 as per Ex. M.1. He has stated that the I party workman met with an accident on 17-6-89 while on duty. I party workman suffered permanent partial disablement as a result of the accident. He has stated that during 1980 I party was confirmed as substitute.

8. M.W. 1 has stated in his evidence that there is a rehabilitation committee in the II party management. The I party's case was placed before the accident rehabilitation committee. The I party workman was paid compensation of Rs. 8,467/-, as per Ex. M. 2. M.W. 1 has stated that the committee also recommended to provide the I party light work since he was unable to carry on original duties. Then I party was posted to work as office attendant. The I party workman gave representation that he could not work as office attendant in view of his disablement to move from one office to another. M.W. 1 has stated that the management considered the representation and took a decision to post I party workman as a coupon vendor or to assign him some clerical job. Then the management issued to the I party workman memo as per Ex. M. 3 directing the I party to give his consent. M.W. 1 has stated that the I party workman gave his consent as per Ex. M. 4. Then the I party workman was posted to work in BGD mines as per Ex. M.5. From Ex. M.3 it is clear that when seeking consent of the I party workman the II party made it clear to him that he should work as typist-cum-clerk on his own pay and grade at BGD mines that post would not confer any right on I party workman to claim acting allowance, promotion and appointment in the cadre of typist-cum-clerk. From Ex. M. 4 it is abundantly clear that the I party workman has accepted the terms proposed in Ex. M. 3 and has given his consent to work as typist-cum-clerk.

9. There is nothing to disbelieve the evidence of M.W. 1 which has not been tested by the touchstone of cross-examination. It is clear that the I party because he sustained an accident and suffered disablement was granted compensation of Rs. 8,467/-. He has been posted to work as typist-cum-clerk because of his representation. The I party workman has given consent to work as typist-cum-clerk as per Ex. M. 4 accepting the conditions mentioned in Ex. M. 3 that the post would not confer any right to him, claim acting allowance, promotion and appointment in the cadre of typist-cum-clerk.

10. Having received the compensation in respect of the accident and having given his consent to work as typist-cum-clerk without claiming any higher benefit, the I party workman cannot turn round and say that the II party is not justified in making him to work in the clerical cadre IV grade and paying him wages as a helper of VI grade.

11. For the aforesaid reasons, the reference is rejected. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 30th day of July, 1993)

M. B. VISHWANATH, Presiding Officer

